

# REGULAR MEETING COTTAGE GROVE CITY COUNCIL

July 6, 2005

## OPEN FORUM – 7:15 p.m.

Open forum provides a person an opportunity to inform the Council of a problem or to request information related to City business not scheduled for Council action and on the Agenda. Mayor Shiely encouraged persons to limit their remarks to two (2) minutes per issue.

Present: Mayor Sandy Shiely  
Council Member Myron Bailey  
Council Member Karla Bigham  
Council Member Mark Grossklaus  
Council Member Pat Rice

Also Present: Ryan Schroeder, City Administrator  
Howard Blin, Community Development Director  
Jennifer Levitt, City Engineer  
Craig Woolery, Deputy Director of Public Safety  
Les Burshten, Public Works Director  
Corrine Thomson, City Attorney

Beverly Gross, 11040 70<sup>th</sup> Street South, stated that she is a member of the South Washington County Heritage Society noting that they recently completed a historical calendar that includes historical photographs of the Cottage Grove area. She stated that the calendars would be available for purchase at a cost of \$7.00 per calendar noting that anyone interested in purchasing a calendar could contact her at 651-459-3233 or Alice Robinson at 651-459-1082.

Mayor Shiely suggested that Ms. Gross contact City Hall and make arrangements to have the calendar available at City Hall. Ms. Gross stated that she would get in touch and make sure that they have a supply available at City Hall.

## CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota held a regular meeting on Wednesday, July 6, 2005, at the Cottage Grove City Hall, 7516 80<sup>th</sup> Street South. Mayor Sandy Shiely called the meeting to order at 7:30 p.m.

## ROLL CALL

Present: Mayor Sandy Shiely  
Council Member Myron Bailey  
Council Member Karla Bigham  
Council Member Mark Grossklaus  
Council Member Pat Rice

Also Present: Ryan Schroeder, City Administrator  
Howard Blin, Community Development Director  
Jennifer Levitt, City Engineer  
Craig Woolery, Deputy Director of Public Safety  
Les Burshten, Public Works Director  
Corrine Thomson, City Attorney

Mayor Shiely presided over the meeting.

### ADOPTION OF AGENDA

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

### PRESENTATIONS

A. MRPA's Award of Excellence to the Recreation Department for the 'Get to Work' Program

Mayor Shiely announced that the Recreation Department has been awarded the Minnesota Recreation and Parks Association's Award of Excellence for the teen program 'Get to Work'. She explained that 'Get to Work' is an extensive three-day program that teaches youth the important aspects of how to get their first job and also helps youth, ages 13 to 15, to think about future college and career plans. She stated that at the end of the program they are encouraged to volunteer at the playgrounds and other special events for the Cottage Grove Recreation Department as a way to help build their resume and apply real life situations to the information they have learned from the course. She stated that the Cottage Grove Recreation Department is very honored to be acknowledged with this prestigious award noting that the MRPA would be presenting the Award of Excellence to the Recreation Department on August 10, 2005 at the City Council meeting.

### APPROVAL OF MINUTES

NONE

### CONSENT CALENDAR

Council Member Rice asked to pull Item 4G and Item 4L. He referenced Item 4G and thanked Cogentrix LSP, Standard Heating and Air Conditioning, TCF Bank and Borst Construction for their combined donation of \$1,275.00 to the Cottage Grove Youth Safety Camp. He referenced Item 4L and thanked the local Lions Club for their generous donation of \$10,000.00 for the improvements to provide a concession stand at Kingston Park.

Council Member Bigham asked to pull Item 4K. She stated that Item 4K involves the EDA Strategic Plan noting that she was asked by a resident if the document is available for residents to review and if so, how would they go about getting a copy of the plan.

Mayor Shiely stated that this information is available for review on the City website at [www.cottage-grove.org](http://www.cottage-grove.org).

Council Member Bigham referenced the top growth priorities stating that she has concerns with what was included as top priorities in Group A. She stated that she would like to see restaurants moved up to Group A and also would like to see more opportunities for family entertainment, such as a movie theater.

Mayor Shiely acknowledged Council Member Bigham's concerns stating that restaurants have been in the top priority group for a long time and one of the changes that came about as a result of the EDA meeting was the fact that the City has attracted several new restaurants. She stated that because of the number of restaurants that have come in over the last couple of years it was decided that this, as a number one goal, is not as necessary now.

Council Member Bigham referenced the vacant lot next to Ruby Tuesday's stating that she has seen a couple of available locations within the City and would like to see something like a restaurant go into one of these locations.

Mayor Shiely agreed stating that her suggestions for the restaurant and recreation are good ones. She explained that Group A presently includes completion of the Gateway Redevelopment, which includes that lot, which belongs to the City and provides the City with the rare opportunity to control what goes into that area because the City owns it. She stated that these are the types of suggestions that the City should consider. She asked if Council Member Bigham would like to see it more clearly spelled out.

Council Member Bigham confirmed that she would like to see it more clearly explained noting that it also makes reference to the marketing plan for the EDA and she would like to see it when it is completed. She suggested a workshop to review the plan once it has been completed.

MOTION BY RICE, SECONDED BY GROSSKLAUS, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES: NONE
- B. AUTHORIZE THE PURCHASE OF 30 HANDHELD RECORDERS FOR THE POLICE DIVISION USING FORFEITURE FUNDS IN THE AMOUNT OF \$8,257.50.
- C. ADOPT **RESOLUTION NO. 05-100**, APPROVING FINAL PAYMENT IN THE AMOUNT OF \$55,371.74 TO BURSCHVILLE CONSTRUCTION FOR THE TIMBER RIDGE 4<sup>TH</sup> ADDITION STREET AND UTILITY IMPROVEMENT PROJECT.
- D. APPROVE CHANGE ORDER #1 FOR THE 95<sup>TH</sup> STREET AUTOBODY PROJECT.
- E. APPOINT CITY ENGINEER JENNIFER LEVITT TO REGULAR STATUS WITH THE CITY OF COTTAGE GROVE AND MOVE HER TO PAYGRADE IVA-D OF THE PAY PLAN FOR NO-REPRESENTED EMPLOYEES.
- F. AUTHORIZE THE ISSUANCE OF AN OUTDOOR EVENT PERMIT FOR THE OSMAN SHRINER CAR SHOW TO BE HELD AT THE COTTAGE GROVE VFW ON JULY 24, 2005, CONTINGENT ON CONDITIONS ESTABLISHED BY THE PUBLIC SAFETY DEPARTMENT.
- G. ADOPT **RESOLUTION NO. 05-101**, ACCEPTING DONATIONS FROM COGENTRIX LSP-COTTAGE GROVE, L.P. (\$1,000); STANDARD HEATING AND AIR CONDITIONING (\$125); TCF NATIONAL BANK (\$100); BORST CONSTRUCTION, INC. (\$50); FOR COTTAGE GROVE'S 12<sup>TH</sup> ANNUAL YOUTH SAFETY CAMP.

- H. ADOPT **RESOLUTION NO. 05-102**, APPROVING PLANS AND SPECIFICATIONS AND ESTABLISHING A BID DATE FOR THE EAST POINT DOUGLAS SIDEWALK PROJECT.
- I. APPROVING THE WASHINGTON COUNTY COOPERATIVE AGREEMENT WITH THE CITY OF COTTAGE GROVE FOR BOX CULVERT INSTALLATION AND ROADWAY RECONSTRUCTION COST REIMBURSEMENT AND MAINTENANCE.
- J. ADOPT **RESOLUTION NO. 05-103**, APPROVING PLANS AND SPECIFICATIONS AND ESTABLISHING A BID DATE FOR THE 103<sup>RD</sup> STREET STORM SEWER IMPROVEMENT PROJECT.
- K. RATIFY THE 2005 – 2008 ECONOMIC DEVELOPMENT AUTHORITY (EDA) STRATEGIC PLAN.
- L. ADOPT **RESOLUTION NO. 05-104**, APPROVING ADJUSTMENTS TO THE 2005 BUDGET.

MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

NONE

PUBLIC HEARINGS

NONE

BID AWARDS

NONE

UNFINISHED AND NEW BUSINESS

- A. Consider Approval of the Thompson Grove Traffic Control Report and Authorize Implementation of the Traffic Control Changes.

City Engineer Levitt provided the Council with an overview of the Thompson Grove Traffic Study. She explained that the key tasks of the traffic analysis were to review the appropriate geometric traffic control necessary for key intersections and to address future development impacts in the area. She stated that it is important to address the concerns systematically in order to determine the problems with traffic flow at Hadley and 85<sup>th</sup>. She reviewed the proposed changes with Council noting that what they want is consistent traffic control that addresses 85<sup>th</sup> and Hadley, the 85<sup>th</sup> Street Corridor and the 86<sup>th</sup> Street Corridor. She provided Council with photographs of each area stating that implementation of the plan would involve notification to the Thompson Grove residents to notify them of the changes; include a notice in the Bulletin to inform the community of the traffic control changes; post signs in the neighborhood of the exact date that traffic control changes would take place and make the stop sign changes on Hadley Avenue and 85<sup>th</sup> Street. She explained that these changes would involve advanced traffic control change signs, additional stop signs with barrels and flashers at the intersection. She stated that after one month the remaining stop signs on 87<sup>th</sup> Street South, 84<sup>th</sup> Street South and 89<sup>th</sup> Street South would be changed.

Mayor Shiely noted that 85<sup>th</sup> was always a collector street and asked how they ended up with nine stop signs along 85<sup>th</sup> Street. City Engineer Levitt speculated that a lot of the requests made in this neighborhood were looked at on intersection-by-intersection basis and it wasn't taking the whole neighborhood into account and how traffic flows operated through the neighborhood. She stated that they looked at one intersection and see how the warrants apply rather than looking at how the traffic flowed through the entire neighborhood.

Council Member Bigham stated that it was great to see some of the changes to this plan based on the community meeting, the Commission's and the Council's recommendations. She noted the one item in the end report Council received shows recommendations for stop signs at both 90<sup>th</sup> and Grenadier and Granada and 87<sup>th</sup>, which are both dead-ends, and clarified that neither of the intersections would be implemented in this plan. City Engineer Levitt confirmed.

Council Member Bigham stated that she is concerned about having six blocks down 85<sup>th</sup> without a stop. She stated that she is aware of the concerns regarding speed in this area adding that Grenadier would be a halfway point. She stated that she drove to 87<sup>th</sup> and Hale Court noting that it is a similar situation. She stated that there is a stop sign facing out of the cul-de-sac noting that it is there mainly for visibility issues. She stated that this is a heavily traveled road noting that the sign off Hadley pushes traffic towards the Hamlet Park area. She stated that the way it is now would be a great option noting that this location is her biggest concern.

City Engineer Levitt stated that as they look at Hadley, Grospoint and Greystone, they have the north/south streets that move through and stick with the same pattern and by removing it they would get the same free flow through the area similar to all the other sections of the neighborhood. She recommended keeping the same pattern and flow for consistency.

Council Member Bigham acknowledged noting that these streets do not have as much traffic as Hale.

Council Member Bailey noticed that they are going to change the two-way stop signs on 85<sup>th</sup> and Hale where they have the dip in the road for drainage. He asked if there are any other intersections in this area that would cause similar problems.

City Engineer Levitt noted that what Council Member Bailey could be referring to is at Greenway and 85<sup>th</sup> noting that they are hoping to make improvements to the ride quality over on the 85<sup>th</sup> direction so that when traveling 85<sup>th</sup> Street in the east/west direction there would be something similar to what is at 85<sup>th</sup> and Hale. She indicated that she does not see any other potential problem areas with implementing this plan.

Mayor Shiely stated that when they talk about tree trimming are they talking about trimming or actually cutting the trees down and are the trees located on private or public property.

City Engineer Levitt explained that 95% of what was presented in the report was taken care of last fall. She stated that while driving around today they found a few limbs that are causing some sightline issues to signs and assured Council that these would be taken care in the next few days to remediate any problems that might be there with respect to the visibility with the signs.

Natalie Seim, 8550 Hadley, stated that she is really glad that a stop sign is coming in at 85<sup>th</sup> and Hadley noting that there are times when they can't back out of their driveway. She noted that they attended the public meeting last August and saw the changes noting that she does have concerns. She stated that she would like to see a 4-way stop at Hallmark and Hale noting that this intersection comes up a hill from Hamlet Park where children cross to go to school and back in addition to children using this crossing to get to the park. She stated that she is also concerned about 85<sup>th</sup> Street adding that it makes her nervous thinking about this road becoming a straight shot through the neighborhood. She noted that it is very easy to pick up speed and she is concerned that this could become a big safety issue. She stated that she is anxious to get the stop signs up on Hadley but she would prefer to see this proposal come back through the public meeting process to update the residents on the proposed changes before it goes to vote with the Council.

City Engineer Levitt stated that this was posted in the Bulletin and they also made residents aware that they could actually come to view the report at Public Works and ask questions and also alerted residents that Council would take action on this issue tonight.

Michael Bratsch, 8749 Hale, stated that he petitioned last fall noting that he came up with a lot of interesting things. He referenced the yellow sheet handed out at the August meeting noting that it baffled him that the notice was not mailed out to residents. He stated that Council should get resident input on what is safe and not safe. He expressed concerns stating that by opening up the free flow they would be opening up speed zones in areas where children are playing. He referenced the signs at 87<sup>th</sup> and Hale stating that they were placed there for a reason noting that there have been several serious accidents at this intersection and a fire. He expressed concerns stating that staff should take a look at the history of the area before they make decisions like this and they should also get the input from the people who live in this area over the years in order to understand and see what works and doesn't work. He stated that he is concerned that if they change the directions of the signs or remove them this area would go back to having major problems again and they do not want any more accidents or fatalities. He agreed that the area near Hamlet Park is a good spot for a 4-way stop, as there are a lot of children playing in this area and it is a very busy intersection. He expressed concerns stating that if they open 85<sup>th</sup> it is only a matter of time before a bad accident occurs. He indicated that his father is an engineer adding that he had his father review the area and his comment was that he was not sure why the City would want to open 85<sup>th</sup>, as it would open the door for speeding through this area. He stated that he is baffled at the fact that there are no stop signs at 87<sup>th</sup> and Grospoint noting that this is an actual intersection. He stated that he wants to see that the neighborhoods are going to be safe noting that if the City is going to place stop signs they should use common sense, not what looks good on paper.

Mayor Shiely assured Mr. Bratsch that the Council is aware of the residents concerns and asked if there has been a formal recommendation from the Public Safety, Health and Welfare Commission.

Deputy Director Public Safety Woolery stated that when they reviewed it last summer they did take public comment noting that the biggest concern was at 85<sup>th</sup> and Hadley. He stated that the public also noted Hallmark and Hale was a concern.

Mayor Shiely stated that her impression from the report is that they took comments but felt there was no need to make a recommendation at that time because it was an ongoing issue.

Deputy Director Public Safety Woolery explained that at that time, last summer, they understood that there would be changes presented to the Commission for additional review.

Council Member Bigham recalled that one of the last comments made that evening was that before it would be presented to Council for consideration the changes would be resubmitted to the Public Safety Commission for review.

Jim Swedzinski, 8687 Greene, stated that Ms. Seim made some very good points. He suggested that another neighborhood meeting be scheduled to allow the residents to review and fully understand the recommended changes. He stated that at the meeting last fall it was indicated that a questionnaire would be sent out to the residents in Thompson Grove for their comments but one was never sent out. He stated that it was his understanding that nothing would happen with this until the questionnaire had been sent out and completed. He suggested that staff take another look at the plan noting that it has been this way for over 35-years and from what he could see, if it works, don't fix it. He asked Council who had requested these changes.

Mayor Shiely noted that Hadley Avenue is a collector street like 85<sup>th</sup>, but there are no stop signs between 80<sup>th</sup> Street and 90<sup>th</sup> Street. She acknowledged that the west side of the highway did stay that way for quite some time noting that there are new developments farther out on Hadley. She explained that because of the increase in traffic the neighbors along Hadley started coming in to request stop signs at certain points. She further explained that when they began to look at placing a stop sign at 85<sup>th</sup> and Hadley the question came up about the collector streets. She stated that the Council asked the City Engineers to review the traffic patterns and come up with a plan for the City. She stated that they don't want to just install a stop sign on 85<sup>th</sup> and Hadley, they want to review the entire west side area to address the traffic issues for the entire area.

Mr. Swedzinski stated that a lot of people come over from Grenada, make a left and come down Greene to Grange. He stated that if they were to look at the map it would be farther to curve around to Hadley than it would be to shoot over to Grange. He noted that people today are not as concerned about stop signs as much as they are concerned about the shortest possible route. He suggested that staff review the area again and meet with the neighborhood one more time to review the recommended changes.

Gary Glass, 6546 90<sup>th</sup> Street, stated that they do not have any stop signs along 90<sup>th</sup> Street adding that they have had traffic issues in this area for years. He asked if there would still be stop signs on Grange.

City Engineer Levitt confirmed that engineering reviewed the area of Grange and Grenadier and due to the businesses in the area and the traffic flow it was determined that this intersection should remain as a 4-way stop.

Mr. Glass stated that if it is a collector street why do they have stop signs. Mayor Shiely stated that they are not diverting traffic at all. Mr. Glass asked what they would be gaining with this proposal.

City Engineer Levitt stated that staff did review these intersections for the design and flow of the traffic. She stated that the Traffic Engineer also reviewed the three intersections and it was their recommendation that Grange and Grenadier remain a 4-way stop and at Greene and Grange the recommendation was to maintain a 4-way stop.

Mr. Glass expressed concerns stating that drivers would not go down these roads if they could go down Hadley without any stop signs. He asked what the city would gain through this proposal.

Mayor Shiely explained that they are not diverting traffic at all.

Mr. Swedzinski referenced the traffic count and recommended that the City do another traffic count. He suggested waiting a year until the St. Paul Park Overpass is completed noting that he is concerned that the traffic coming down from Grange is going to increase. He agreed that the City should hold another public meeting and then do a second traffic count before making any decisions.

Mr. Bratsch pointed out several intersections in his neighborhood that should be included in the review. He indicated that each of these areas is going to be a real problem and expressed concerns that they would be opening a speedway that would create several safety concerns.

Council Member Rice stated that he grew up in this area and recalls when there were very few stop signs in the area over the years. He stated that he rode his bike through the area without stop signs noting that this proposal would provide some consistency in this area. He stated that there are going to be people who will speed from block to block and suggested increasing the police patrolling in the area. He stated that he really likes the idea of consistency and would approve the report as is.

Mayor Shiely stated that she believes that staff has spent a lot of time on this study in order to clarify the concepts and that staff has also made a genuine effort to include all of the residents in this area throughout this process. She referenced the stages of the project and asked City Engineer Levitt to further clarify and review the scenarios.

City Engineer Levitt stated that 85<sup>th</sup> would be the first street adding that the City would notify the residents of the corridor changes, which would include signage in each area of change. She stated that this would be in effect for approximately one month before moving forward with 87<sup>th</sup> Street and then 94<sup>th</sup>.

Council Member Bigham stated that she does like the plan adding that since the Public Safety, Health and Welfare Commission requested the opportunity to review the changes she would prefer to have the plan re-submitted to the Commission for their review before taking any action on this proposal. She stated that she also likes the consistency of the plan.

Council Member Bailey stated that he does not have a problem with the layout and agreed that he does like the consistency of the plan. He stated that he supports the plan and suggested that once this has been implemented that staff review the area in a year to see if any of the changes still make sense.

Mayor Shiely stated that it is important to note that stop signs are not intended to deter or slow the speed of traffic. She explained that they cannot put in stop signs to slow down traffic and explained that the stop signs are placed to control the amount of traffic flowing through an area.

Captain Woolery concurred and further explained that stop signs are also meant to establish a right-of-way. He explained that the history of signage in the past is that it was based on motions or traffic concerns for the area. He stated that he would not recommend placing stop signs in the same fashion as they have in the past noting that he does prefer this proposal versus having drivers move in and out of the neighborhoods and in areas where they do not want drivers to be. He indicated that speeding is the number one concern in Cottage Grove and encouraged residents to call when they are having problems.

Council Member Grossklaus stated that he likes the overall plan and after hearing Mr. Glass's concerns on Grange he does not understand why the two stop signs on Grange, a collector street, are so close together. He stated that there is a school in this area with regular neighborhoods and is no different than 85<sup>th</sup> and 87<sup>th</sup>.

City Engineer Levitt reviewed the Traffic Engineer analysis with Council.

Council Member Grossklaus expressed concerns stating that it seems backwards from what they are trying to do in other areas. He stated that it seems as though they are making a policy applicable to one street and not the others.

Mayor Shiely asked if part of it could be because it connects with 85<sup>th</sup> Street.

Council Member Grossklaus stated that one of the concerns he has heard from residents is that they do not want stop signs at every block that's meant for through traffic. He noted that on Hinton and Radio have stop signs everywhere and they are trying to move traffic through.

Mayor Shiely asked if they should include Council Member Bailey's suggestion to review this in one year.

MOTION BY RICE, SECOND BY BAILEY, TO APPROVE THE THOMPSON GROVE TRAFFIC CONTROL REPORT, AND AUTHORIZE IMPLEMENTATION OF THE TRAFFIC CONTROL CHANGES AND REVISIT THIS IN JULY 2006. MOTION CARRIED 5-0.

B. Consider Adopting an Ordinance Establishing a Moratorium on uses involving Outdoor Storage and Display within the I-1, I-2, and I-3 Industrial Zoning Districts.

Community Development Director Blin stated this proposal stems from recent discussions with Lyman Lumber and explained that during the discussions it was realized that the Zoning Code section on industrial zoning districts includes inconsistent language on open storage. He stated that Lyman Lumber currently has an open storage unit and generally the City prohibits all open storage units. He noted that elsewhere in the industrial section of the Zoning Code, allowable conditional uses that have outdoor storage are identified and include builders supply yards, lumberyards and sign shops. He stated that staff is proposing a moratorium on the establishment or expansion of outdoor storage, sales, or sales uses within the I-1, I-2 and I-3 Zoning Districts. He stated that the moratorium would extend for no longer than six months and during that period

the staff and the Planning Commission would conduct a study of how outdoor storage should be regulated in the industrial zoning districts. He assured Council that staff would work to turn this around quickly noting that the intent of the zoning code was to prohibit open storage use.

Carol Lansing, Attorney, Faegre & Benson, representing Lyman Lumber, stated that they have a purchase agreement with CP Rail noting that their goal is to establish a lumberyard and to ultimately add assembly plans for building components. She indicated that the moratorium is not necessary to prevent open storage use. She stated that they have been talking with staff on code interpretation issues adding that they would like to continue with these discussions. She stressed to Council that there are no applications pending from Lyman Lumber adding that they are currently discussing, with staff, what part of the code would allow for open storage. She stated that it would take some time and money to prepare the engineering report adding that Lyman does not want to invest dollars without knowing if it would be accepted. She assured Council that they are not trying to sneak in land use, they want to continue to work with staff adding that the moratorium would be detrimental to them. She stated that there is a purchase agreement pending adding that if there are negative signs that this proposal would not be successful they would be forced to look elsewhere. She provided Council with an overview of the area stating that Lyman is proposing to purchase approximately 40-acres from CP Rail. She stated that they have discussed road access points and provided Council with a diagram that shows what is being planned for the Lyman Lumber site. She reviewed the outdoor storage areas noting that all of Lyman's storage is for lumber and explained that the lumber is wrapped, packed and stacked neatly. She stated that the site would not be visible to residential areas and indicated that they plan to add additional buffering and screening to prevent visibility problems. She stated that many cities do allow outdoor storage and manage it through conditional use permits and screening procedures. She stated that they appreciated the open discussions with staff adding that it is their hope to be able to continue the dialogue without the burden of the moratorium.

Mayor Shiely asked how long they have been storing lumber in Chanhassen.

Dale Carlson, Lyman Lumber, stated that they have been storing lumber at Chanhassen since the early 1970's. He provided the Council with a letter of recommendation from the City of Chanhassen and explained that the letter shows that they are considered to be neat and orderly and good neighbors. He provided Council with a brief history of the company noting that the company is a 100+ year-old company that was established in 1897. He stated that they are looking to expand their company noting that they currently have nine locations in the Twin City area in addition to several outstate locations. He stated that all of their customers are business clients noting that they do not do any retail business. He explained that Lyman currently has a purchase agreement with CP Rail and would like very much to be on the main rail carrier and freeway system. He stated that what they are proposing is to bring to Cottage Grove a lumber company that would provide more capacity noting that they do anticipate a lot of residential growth.

Council Member Rice stated that his main concern is the outdoor storage. He stated that he would love to have CP Rail and Lyman Lumber continue to work and develop in Cottage Grove but he would also like to see the Industrial Park flourish and grow to increase the City's tax base, which is the one thing, with this proposal, that the City would not be gaining any tax base

because of the building evaluation. He stated that the City is trying to up the value in the Industrial Park area.

Mr. Carlson agreed that initially it would not bring a lot of real estate tax but as they get into the component assembly process they will find an increase. He stated that the 40-acre site would allow them a lot of room to expand into it noting that they need an area to call home and build a business around it. He indicated that this would probably bring in an approximate \$2-3 million payroll and once the site is maximized it could bring in up to \$4 million.

Council Member Rice stated that if they were to maximize the site what kind of a timeframe would they be looking at to bring in the assembly components. He stated that he is envisioning corrugated metal and shell-type materials, which is what they have tried to avoid in the industrial park area. He stated that they are trying to up the value of the buildings.

Mr. Carlson stated that they have had dialogue with the City and are very open to negotiation on those types of things. He stated that as far as how long it would take to grow into the site would depend on the residential construction in the area. He stated that if there is a drop in residential construction they would see the timeframe go up and if it remains as it is right now it would happen quicker. He stated that it could take approximately five to ten years. He stated that he does not want to promise anything that he cannot come through with.

Council Member Rice acknowledged his concerns stating that he wants to let them know what the City's concerns are. He stated that if they can work around that and by putting the moratorium in place as a safety valve to get something worked out. He stated that another concern is the way the city has to pay for road improvements and construction it comes off the valuation of property and if they plan to run a lot of trucks on the city roads he is not seeing an equal assessment.

Mr. Carlson clarified that as they grow their business they would have to expand their facility, which would bring them equal assessment. He stated that they would not be using the full 40-acres to start with adding that they would still be paying taxes on the 40-acres as it sits and they would be looking for a quality expansion into that site.

Mayor Shiely asked how many employees would be included for the initial phase.

Mr. Carlson stated that it would be approximately 48 to 50 employees for the initial phase of the storage site adding that they plan to operate both day and evening shifts.

Council Member Grossklaus asked how the moratorium would affect their business.

Mr. Carlson stated that it would affect their business because they have this property under a purchase agreement and have some deadlines to meet. He stated that they would have to go back and redo the purchase agreement. He stated that they would like to know if the City is at all interested in having their business located here.

Council Member Bigham asked if the moratorium would affect discussions between staff and the business.

Community Development Director Blin stated that the moratorium would not affect discussions.

Council Member Bigham asked what the average hourly rate would be for the positions at the site.

Mr. Carlson stated that right now their average hourly wage is \$19.90 for a driver, \$19.77 for a forklift operator and sales reps would be more than that and there would also be a couple of clerical positions that would less.

Mayor Shiely stated that the one thing the City has learned from this proposal is that the ordinance is not accurately reflecting the intent for outdoor storage. She stated that this issue is much broader for the industrial park and this brought it up. She explained that a moratorium would give the City time to review the entire industrial park and its' potential for future uses and assured Mr. Carlson that it would not be specifically aimed at Lyman Lumber. She stated that the discussions can continue with Lyman but if the City doesn't do the moratorium it makes a commitment that she is not sure the City is ready to make yet. She stated that the City needs more time to review.

Council Member Bailey clarified that the City is not against Lyman noting that the City has run into several issues in the Industrial Park with respect to outdoor storage. He stated that he likes the plan adding that he does have concerns around the outdoor storage and would like the extra time to allow staff to fully review.

Mr. Carlson stated that the site in town is perfectly suited for a lumberyard, as it is very high and has a natural berm around the outside. He stated that if they enhance the berm it would help with the visibility into the site. He encouraged the Council to set up a meeting to come out and walk the lot.

David Drock, Director Real Estate Marketing-US, for Canadian Pacific Railway, stated that the moratorium is premature and urged the Council to not move forward with it. He stated that they have not made any applications at this time noting that the project would take a year or more just to do the design plans. He expressed concerns stating that the problem with the moratorium is the kind of message it sends, which is that if the City of Cottage Grove does not like it they are going to change the rules and it says to the development community that the City of Cottage Grove does not care about the property or their rights, it tells them that they do not have the opportunity to explore the use of the property to its' fullest degree unless Cottage Grove thinks so and this is the wrong message.

Mr. Drock stated that they have had a very good, long and honest relationship with the City of Cottage Grove and assured Council that they are not going to play any games or rush to file an application, they are only looking to make their argument and noted that they haven't even started yet. He stated that it would be difficult to talk about the details of the plan because it is too fluid at this point.

Mr. Drock expressed frustration around the idea that the City of Cottage Grove is taking actions to stifle interests in the industrial area adding that it is his belief that this is the wrong approach. He noted that there is the possibility that this proposal might not move forward but he would like

the opportunity to explore all possibilities yet he feels that he is getting the message from the City no, sit down and shut up.

Mr. Drock stated that if the City takes an action like this they are going to portray Cottage Grove as one of those communities that always has a hidden agenda and can't deal with companies and developers. He stated that they have a lot at stake without dealing professionally because of so many concerns. He acknowledged the Council's concerns stating that all he is looking for is the opportunity to make their case. He assured the Council that they are not looking for any guarantees noting that they may get to the point where the Council has heard us and they still don't agree and they won't be able to do this adding that he is willing to take that risk. He stated that the moratorium forecloses this discussion and tells the developer that the City is not even going to entertain this proposal. He stated that it is his belief that the rules should reflect the community, not the community reflecting the rules.

Mr. Drock stated that they would like the opportunity to educate the community about the needs of the market, the development of commerce and the railroad and what an asset they have. He stated that the moratorium is counterproductive noting that Lyman Lumber is only one part of a proposed development of 140-acres. He stated that they believe they have a good plan for a well-balanced development that would bring tax dollars and jobs to the area. He stated that they want the opportunity to make their pitch adding that he is willing to sign a stipulation that states that they would not file any applications for 45 to 60 days until the City has 30-days notice so that the City does not get caught in any risks. He assured the Council that they are not looking for any loopholes, they are only looking to argue their point and work things out if they can.

Council Member Rice clarified that the Council is not telling anyone to sit down and shut up. He stated that when Canadian Pacific and Lyman Lumber brought this proposal to staff it was pointed out there are some discrepancies within the zoning ordinance for outdoor storage. He explained that the Council wants the zoning code section reviewed and in order before the City considers this proposal. He assured Mr. Drock that the Council is not saying no to Canadian Pacific or Lyman Lumber but they are saying that they have to revisit the zoning code section and take care of the discrepancies. He suggested that Canadian Pacific and Lyman Lumber discuss this amongst themselves and then come together with the City to work it out.

Mayor Shiely stated that the Council is not worried about Cottage Grove's reputation with the development industry nor does she believe that this decision would ruin the City's reputation. She clarified that all the Council is trying to do is improve the tax base within the Industrial Park area.

MOTION BY SHIELY, SECOND BY GROSSKLAUS, TO ADOPT **ORDINANCE NO. 775**, AN ORDINANCE ESTABLISHING A MORATORIUM ON USES INVOLVING OUTDOOR STORAGE AND DISPLAY WITHIN THE I-1 LIMITED INDUSTRY DISTRICT; THE I-2 GENERAL INDUSTRIAL DISTRICT; AND I-3 HEAVY INDUSTRIAL DISTRICT. MOTION CARRIED 5-0.

Mayor Shiely called a 5-minute break at 9:09 p.m.

Mayor Shiely called the meeting back to order at 9:14 p.m.

C. Receive an Update Regarding the Infrastructure Maintenance Task Force (IMTF)

City Engineer Levitt stated that the reason the Infrastructure Maintenance Task Force (IMTF) is being pulled back together is to review aging infrastructure and street projects. She reviewed the task force membership noting that they have met for nine workshops to date. She provided Council with an overview of the Urban Policy stating that they want a policy that is simplistic enough to deal with on an urban residential lot. She explained that they would not be dealing with complex formulas for corner lots and cul-de-sacs and indicated that everyone in 'like' developments would be paying the same price for assessments.

City Engineer Levitt stated that for surface improvements the recommendation is that all properties shall be assessed on a per lot basis at 45-percent of the total project cost. She explained that this would include an appraisal in the Feasibility Report and would also include a sampling of properties. She stated that the commercial assessments are a bit more complicated due to the unique parcel shapes and to address this they looked at a policy that would be a combination of front footage to street improvements and also businesses that do not have direct access to the street being improved. She reviewed the recommended percentages with Council.

City Engineer Levitt referenced the rural residential stating that they would continue to maintain services with no assessments adding that no major maintenance would be assessed at 45-percent of the total project cost. She explained that the rural agricultural assessments would be based on current zoning and land use as opposed to the potential future zoning and land use. She stated that staff and the City Attorney would work together to build the final draft that the Task Force would evaluate with presentation to Council to take place at the October 5, 2005 City Council meeting.

Council Member Bailey referenced the commercial industrial assessment and asked if businesses that are located away from the new road would be assessed on a certain percentage based on their distance from the new road.

City Engineer Levitt explained that they are going to try to make it a generic as possible to that it could apply to all areas.

Council Member Bailey referenced churches and schools stating that if a church is bordered on three or four sides of the structure would the church be assessed for all streets or just for the address.

City Engineer Levitt stated that the church would be assessed for all roads that are being improved.

D. Consider Adopting National Incident Management System (NIMS) Policies and Principles.

Fire Chief Byerly provided the Council with a brief update stating that the President of the United States has issued Homeland Security Presidential Directives (HSPD) 5 and 8 that directly impacts States and local jurisdictions. He explained that one of the key elements of the HSPD 5 and 8 is the implementation of the National Incident Management Systems (NIMS). He stated that after September 11<sup>th</sup>, the Federal Government created the National Response Plan, which by way of Presidential Directives, directed the Secretary of the Department of Homeland Security to develop and administer the National Incident Management System so that responding police, fire

and emergency medical personnel can work together more effectively and efficiently. He stated that the State of Minnesota and the Cottage Grove Fire Department have used a formal Incident command Management system for many years noting that all police and fire personnel have been trained. He stated that he and Deputy Chief Beasley have already completed the training as instructors to train IS700 courses and would handle all inside training if the NIMS is adopted. He explained that the Federal Government and the Homeland Security require adoption by resolution noting that one of the caveats is that the City would not be eligible for certain grant programs if they do not become NIMS compliant by September 30, 2005. He recommended that the Council pass a resolution formally adopting NIMS for the City of Cottage Grove and training on IS700. He asked City Administrator Schroeder to schedule a workshop to review the policies and train the City Council.

Council Member Bigham asked if the City would receive any federal funding.

Fire Chief Byerly explained that they would not receive initial funding from the government adding that if the Council does not approve the resolution the City might not receive federal funding in the future.

MOTION BY BIGHAM, SECOND BY BAILEY, TO ADOPT **RESOLUTION NO. 05-105**, ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) POLICIES AND PRINCIPLES. MOTION CARRIED 5-0.

E. Receive Information on the East Ravine Master Plan

Community Development Director Blin stated that there are two documents associated with the East Ravine planning process which the Planning Commission and City Council will be asked to review and approve: the Master Plan/Comprehensive Plan Amendment and the Alternative Urban Areawide Review (AUAR). He stated that there would be two sessions scheduled for public comments, tonight and July 20<sup>th</sup>. He provided the Council with an overview of the Master Plan noting that this would be back before the Council on July 26<sup>th</sup> and at that time Council would be asked to approve the plan.

Community Development Director Blin stated that the AUAR comment session is set for the first week in August in addition to the Metropolitan Council's review in August. He stated that depending upon the Metropolitan Council's decision, the AUAR would be back before the Planning Commission for a public hearing in early September.

Community Development Director Blin provided the Council with a brief overview of the land use plan and open space components noting that one of the key goals is to preserve as much open space as possible. He reviewed the neighborhood areas noting that there is much more detail on the west side of Keats. He indicated that a few issues have surfaced during the various public forums the most important being Military Road. He stated that he has also received several comments regarding the area north of 80<sup>th</sup> noting that it shows land between 70<sup>th</sup> and 80<sup>th</sup> that is basically open. He stated that a trail link was proposed in this area but concerns were raised regarding the potential intrusion of privacy.

Community Development Director Blin stated that the draft plan calls for realigning Military Road along Jamaica Avenue and 70<sup>th</sup> Street. He explained that there are two reasons for this

recommendation the first is to correct the inadequate intersection spacing along Keats Avenue, between Military Road and 70<sup>th</sup> and the second reason is to lessen the negative impacts of a high speed county road that would bisect the Neighborhood 1 North area of the East Ravine. He explained that the alignment proposal was made after reviewing various alternatives to the planning process. He noted that the Cedarhurst mansion is in this area and the idea of a high-speed county roadway complicates the land use pattern for this area.

Community Development Director Blin noted that the Cottage Grove Advisory Committee on Historic Preservation has recommended against the realignment because of the historic nature of the road noting that it was established in 1851 and also because of the travel time from north to west. He noted that the additional distance is approximately 6/10<sup>th</sup> of a mile. He stated that early on in the study various committees reviewed the plan, the Comprehensive Plan alignments and the three proposed variations available for dealing with Military Road and Keats at 70<sup>th</sup>. He stated that to address the first concern the plan proposes to preserve the existing alignment in a combination of trails and local streets. He stated that the trail could be designed to replicate the original wagon trail and include historical markers to describe the history of Military road.

Community Development Director Blin stated that the plan proposes a local street width of 30 feet, which is a change from the current standard of 34-feet for local streets. He explained that this change is proposed to minimize paved surfaces, to create more green areas in residential neighborhoods and to slow traffic through the neighborhoods. He stated that the right-of-way would remain at 60-feet. He stated that the proposal has been reviewed by various committees including the East Ravine Citizens Advisory Team; Public Works Commission; Public Safety, Health and Welfare Committee and the Planning Commission and all have recommended against changing the standard to a narrower street width.

Mayor Shiely clarified that the Council is not voting on this issue tonight and the only purpose this evening is to receive public comment. She noted that they have already held several meetings but the Council wants to be sure that everyone feels that the Council has heard their concerns.

Lowell Torseth, 8040 Kimbro, stated that he has had the opportunity to utilize Military Road in both the morning and evening and has never had a problem. He expressed concerns stating that somewhere along the line the City has decided that there is a need to upgrade and change Military Road and asked how many more changes do they have to go through to make sure the traffic flow from Bailey Road to County Road 21 is working. He stated that he is not in favor of doing away with Military Road.

Jerome Knutson, 6520 Keats, stated that he purchased his property in 1979 noting that his property consists of his home and 13 acres of trees ranging from seedlings to evergreens and shade trees. He stated that he has spent extensive time and money developing the property from raw farmland to a home and tree farm and estimates his nursery stock to be approximately 10,000 trees in production. He stated that as a present landowner he is not here tonight to oppose the development. He stated that the plan they are reviewing shows a general layout of development but does not show the exact locations for the roads. He acknowledged that throughout the planning process the City has shared information but he is concerned noting that they have not received any assurances that it would not affect their property. He stated that at the present time he does not intend to sell his property to anyone for any reason noting that he has very deep, emotional ties to the property. He asked if the wishes of the present landowners

would be taken into account and if so, have the issues been addressed and communicated. He asked if they have the support from City Council that condemnation would not be pursued.

Mayor Shiely assured the residents that it is the wish of the Council for landowners in the East Ravine who are farming and want to continue can do so. She stated that the Council does not support condemnation and this has been communicated to the people in the planning process. She clarified that the pipe coming down County Road 19 affected the Comprehensive Plan noting that they did not plan to develop this area at this time. She explained that when the Metropolitan Council decided to lay this pipe it added pressure to current residents in the area along County Road 19 and if the City has to do this they wanted to try to come up with a long-term plan that would include guidelines outlining the way the City wants it done. She assured the residents that it was never the intent of the Council to affect the business of the current tree farm and would not consider taking their business from them.

Aaron [unknown last name or address] stated that he is here to raise objections to the closure of Military Road. He expressed concerns stating that he does not see a new Military Road he only can see closures and detours. He stated that the plan was to protect the area from developers coming in and proposing whatever they wanted in the smaller areas noting that he does not see this being consistent with them doing away with Military Road. He stated that he counted the cards from the last meeting noting that 26 are against the realignment, two were for it and seven didn't even mention it. He stated that with this kind of feedback, if it is true that staff and Council want their feedback and if people have an influence on the process, why are they still discussing it if people have said, repeatedly, that they don't want the realignment. He stated that he is not sure who the authors of this plan think the City belongs too but it is his hope that it is the residents. He stated that it has been very frustrating over the last year trying to get consultants and staff to consider other alternatives for Military Road. He stated that he is not sure why they need staff's agreement and asked if they should actually require agreement from the residents too. He expressed concerns stating that future safety in the area is essential and should be addressed adding that to use it as an excuse is not appropriate. He stated that safety should be addressed but it should be done with minimum disruption to the resource adding that it is not the consultants or staffs resource to give away. He stated that in talking with everyone about this issue he has found that the Council has not asked why the citizens want to keep it open adding that the citizens who want to keep it are right and the City Council should be on their side. He stated that this issue has no business even being on the table and questioned why the discussions are still in progress. He noted that if the East Ravine residents do not plan to sell their property what is it that they get from this plan other than one minute and forty-six seconds of savings in travel time. He stated that the people who built the road, the army and the pioneers, knew what they were doing, and he questions whether the developers do. He asked Council to please end this misguided idea and resolve that the plan should call to keep Military Road open and address safety issues with the least possible number of disruptions. He stated that the people have spoken; they want Military Road kept open.

Robert Eddy, 11275 77<sup>th</sup> Street, referenced the history of Military Road and asked why the City would save a historical house but can't save a historical road. He explained that Military Road provides East Cottage Grove access to east Highway 61, Highway 94, the airport and downtown St. Paul adding that there are others to consider besides Cottage Grove because this is a route used by Afton and Denmark. He stated that it also provides direct access to the Peavey elevator for farmers and if they change the road they are going to have tight corners that would be difficult

to maneuver large equipment through. He stated that this is a very heavily used road noting that the talk about the increased traffic on Military Road is due to the fact that it is a good road with good access points. He stated that currently there is plenty of room on this road to consider for future use adding that the City could make sure that it is wide enough for a four-lane thoroughfare. He stated that on 70<sup>th</sup> Street there are at least twelve intersections coming into 70<sup>th</sup> and suggested pre-planning where they have plenty of room to plan. He expressed concerns stating that the proposed closing of 70<sup>th</sup> Street would affect access to the Cedarhurst mansion and asked Council to leave access to the mansion and shopping areas, as there is less traffic on 70<sup>th</sup> than on Military Road to County Road 19. He stated that the residents feel that Council is not going to listen to what they want and that they are going to do what they want regardless. He noted that he was a driver with the Fire Department for 25-years and narrow streets are not good when it comes to driving an emergency vehicle and asked Council to give this very serious consideration.

Jim Cran, 7032 92<sup>nd</sup> Street, stated that he grew up in Denmark Township and is very aware of the viability of Military Road. He stated that it seems that the plans presented to the City Council has identified that the City is the eastern boundary to the County with nothing else to worry about with traffic. He stated that the population of these areas would continue to grow and the future needs for Military Road will become vital to the surrounding communities. He stated that in regards to Denmark Township the Town Board has started discussions of incorporation, which in turn will increase the population and with the changes proposed for Military Road it would make access to downtown St. Paul more difficult. He noted that the City is trying to make more efficient use of the roads but it seems to be making it worse. He stated that he is a member and officer of the Denmark Township Historical Society and Military Road carries significant historical priorities that should be maintained as it is today. He stated that he finds it rather strange that the Council is discussing the possibilities of closing Military Road yet on the City website it discusses the recommending Military Road as a historical landmark.

Valda Van Alstine, 14420 90<sup>th</sup> Street South, Denmark Township, stated that she and her husband live on and operate the Century Farm. She stated that they are very interested in keeping Military Road open because they use this route frequently for business as it is a direct route and is easy to use. She clarified that Council is not planning to utilize the condemnation process for land acquisition and also noted that Council has asked for resident input. She stated that the Denmark Township residents want to see Military Road kept open.

Council Member Bigham asked if there would be a map that shows the proposed trail.

Community Development Director Blin stated that there is a map that shows the trail and would include a link from Jamaica. He stated that the map is available for review and provided a brief overview to Council. He stated that an additional meeting is scheduled at 8:30 a.m. on July 8, 2005 at City Hall noting that an adhoc group has been formed to address these concerns.

Bob Beskar, 7950 Lamar Ave, stated that he has lived in this area for over 19 years and is in favor of keeping Military Road open. He stated that there have been times when he has come down 70<sup>th</sup> Street and there is always traffic at the Keats intersection. He agreed that there is a problem at this intersection and suggested lowering the speed limits. He stated that he uses this road everyday to get to work and really enjoys driving the road. He stated that he, his wife and his neighbors do not want Military Road closed.

Glen Brown, 9670 Kimbro, stated that he sat as a Council Member for many years and was also a member of the Historical Committee and Task Force. He stated that he couldn't see any reason why they can't leave Military Road as it is. He suggested lowering the speed limits and redoing the intersections on 19 and close 70<sup>th</sup> Street. He suggested that they also square the intersections up, as they are at a bad angle. He stated that he is all for leaving Military Road in place and would like to see it remain.

Council Member Grossklaus asked what the County's position is.

Community Development Director Blin stated that the preliminary position of the County Board is to support the realignment.

Mr. Eddy asked Community Development Director Blin if any citizens have gone to the County level to try and stop the realignment.

Mayor Shiely stated that the Committee has met with the County Commissioner.

Mr. Eddy asked if a petition would have any affect on the Council's decision.

Mayor Shiely stated that she could not answer that question right now adding that she would never tell them not to put together a petition.

Lorraine Brown, 9670 Kimbro, stated that she has been involved for 40 to 50 years. She indicated that the 110-acres they were talking about preserving was originally part of their farm. She noted that nothing has been included on the Cottage Grove map beyond Keats adding that the reason they wanted the County Park in the first place was to preserve the natural resources and to remove Military Road would make a big difference. She urged the Council to consider the opinions of the permanent residents who live here, make their living here and pay taxes here.

Frankie Ratzloff, 6219 Lamar Avenue, stated that she is on the Historic Preservation Commission and urged the Council to think very hard on this issue, as it is very important to the residents of Cottage Grove and the surrounding communities. She stated that the Council should consider this as their legacy to the City.

Mayor Shiely stated that there would be one more public comments session on July 20<sup>th</sup> and encouraged anyone who has not had chance to speak to attend the meeting.

Council Member Grossklaus added that the meeting scheduled for Friday morning would be in the Council Chambers at 8:30 a.m. and noted that some of the County Commissioners would be in attendance.

#### RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

NONE

#### COUNCIL COMMENTS AND REQUESTS

NONE

PAY BILLS

MOTION BY BIGHAM, SECONDED BY RICE, TO APPROVE PAYMENT OF CHECK NUMBERS 140530 THROUGH 140845 TOTALING \$983,499.68. (CHECKS 140530 – 140591 IN THE AMOUNT OF \$304,662.70 ISSUED PRIOR TO COUNCIL APPROVAL.) MOTION CARRIED 5-0.

WORKSHOP SESSION – OPEN

NONE

WORKSHOP SESSION – CLOSED

NONE

ADJOURNMENT

MOTION BY BIGHAM, SECONDED BY BAILEY, TO ADJOURN THE MEETING AT 10:31 P.M. MOTION CARRIED 5-0.

Respectfully submitted,

Bonita Sullivan  
*TimeSaver Off Site Secretarial, Inc.*