

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

June 1, 2005

OPEN FORUM – 7:15 p.m.

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

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

Also Present: Ryan Schroeder, City Administrator
Ron Hedberg, Finance and Administrative Services Director
Howard Blin, Community Development Director
Jennifer Levitt, City Engineer
Mike Zurbey, Deputy Public Safety Director
Les Burshten, Public Works Director
Corrine Thomson, City Attorney

No one stepped forward to speak during Open Forum.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota held a regular meeting on Wednesday, June 1, 2005, at the Cottage Grove City Hall, 7516 80th Street South. Mayor Sandy Shiely called the meeting to order at 7:30 p.m.

ROLL CALL

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

Also Present: Ryan Schroeder, City Administrator
Ron Hedberg, Finance and Administrative Services Director
Howard Blin, Community Development Director
Jennifer Levitt, City Engineer
Mike Zurbey, Deputy Public Safety Director

Les Burshten, Public Works Director
Corrine Thomson, City Attorney

Mayor Shiely presided over the meeting.

ADOPTION OF AGENDA

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

PRESENTATIONS

NONE

APPROVAL OF MINUTES

A. May 4, 2005 Regular Meeting

Mayor Shiely stated that the minutes stand approved as presented.

CONSENT CALENDAR

Council Member Bigam asked to pull Items 4C, 4D and 4E. She stated that her question covers all three items noting that there are an inconsistent number of portable toilets required for these outdoor events and asked if there is a reason for the variation. She expressed concerns that some of the events would not have enough facilities available to the general public and asked to ensure that there are enough provided. She stated that she would prefer that there be a consistent number provided throughout the duration of the festival.

Council Member Bailey explained that the request covers all of the Strawberry Festival events.

City Administrator Schroeder stated that he would check into the numbers and ensure that an adequate number would be provided.

Mayor Shiely asked to pull Items 4C and 4H for discussion. She referenced Item 4C and asked if the insurance for the upcoming events would be adequate. She explained that her concern is that The Rodeo has covered the City for most of the insurance up to \$1 million for the activities scheduled to take place on their property. She stated that the Motorcycle Show is not on their property and it states that this would be covered by the Jaycees insurance but does not include the amount or the requirement for a certificate of insurance. She stated that she wants to be sure that all items are included. City Administrator Schroeder assured her that the Jaycees have very good insurance coverage and that he would make sure that there is enough to cover the event.

Mayor Shiely referenced Item 4H, a variance request for 6330 Lamar Avenue South. She stated that in reviewing the report she found why the applicant felt the request was a hardship but did not find Staff's response or findings.

Community Development Director Blin explained that there is a septic system located approximately 25 feet to the rear of the structure that extends into the backyard. He explained that the applicant has done work on the septic system in recent years and was told that within the next five years they would have to upgrade the septic system. He stated that this is part of the hardship and would accommodate requirements for a future septic system.

MOTION BY GROSSKLAUS, SECONDED BY BAILEY, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - i. PLANNING COMMISSION OF APRIL 25, 2005.
- B. ACCEPT THE RESIGNATION OF CHAD THIELMAN FROM THE HUMAN SERVICES/HUMAN RIGHTS COMMISSION AND APPROVE THE APPOINTMENT OF REGINA SEABROOK TO THE HUMAN SERVICES/HUMAN RIGHTS COMMISSION TO FILL THE UNEXPIRED TERM ENDING FEBRUARY 28, 2006.
- C. APPROVE THE OUTDOOR EVENT PERMIT APPLICATIONS OF THE COTTAGE GROVE STRAWBERRY FEST COMMITTEE AND THE COTTAGE GROVE JAYCEES FOR THE 2005 STRAWBERRY FEST EVENTS ON JUNE 18, 2005, TO INCLUDE AN 18+ OUTDOOR DANCE, THE SERVICE OF ALCOHOLIC BEVERAGES IN A FENCED AREA BY THE RUSH FROM 12:00 P.M. TO 6:00 P.M., A MOTORCYCLE SHOW, MOTORCYCLE STUNT SHOWS, FOOD CONCESSIONS AND SALES VENDORS, LIVE STAGE ENTERTAINMENT, AND A CARNIVAL TO BE HELD JUNE 16 – 19, 2005.
- D. APPROVE THE OUTDOOR EVENT PERMIT APPLICATION OF DENNIS WOULFE FOR AN OUTDOOR DANCE TO BE HELD IN THE PARKING LOT CONTIGUOUS TO DEMORI'S RESTAURANT AND BACK DOOR LOUNGE LOCATED AT 8200 HADLEY AVENUE SOUTH, COTTAGE GROVE, ON SATURDAY, JUNE 4, 2005.
- E. APPROVE THE OUTDOOR EVENT PERMIT APPLICATION OF HOUNG HEM FOR AN OUTDOOR DANCE TO BE HELD IN THE PARKING LOT CONTIGUOUS TO THE NEW MOON RESTAURANT LOCATED AT 8180 HADLEY AVENUE SOUTH, COTTAGE GROVE, ON SATURDAY, JULY 9, 2005.
- F. APPROVE THE APPLICATION OF RBF, LLC OF WISCONSIN/DBA RAINBOW FOODS, LOCATED AT 7282 EAST POINT DOUGLAS ROAD, COTTAGE GROVE, FOR AN OFF SALE 3.2 BEER LICENSE, TOBACCO LICENSE, AND ALARM LICENSE FOR THE PERIOD ENDING DECEMBER 31, 2005.
- G. APPROVE THE SUBDIVISION AGREEMENT BETWEEN THE CITY OF COTTAGE GROVE AND PULTE HOMES OF MINNESOTA FOR TIMBER RIDGE 6TH ADDITION.
- H. ADOPT **RESOLUTION NO. 05-084** GRANTING A VARIANCE FROM TITLES 11-3-3C AND 11-3-3E(3), ACCESSORY STRUCTURE SETBACKS, TO ALLOW CONSTRUCTION OF A GARAGE IN FRONT OF THE PRINCIPAL STRUCTURE AT 6330 LAMAR AVENUE SOUTH.
- I. ADOPT **RESOLUTION NO. 05-085** AMENDING RESOLUTION NO. 05-017, WHICH APPROVED A RURAL SUBDIVISION TO SUBDIVIDE A 9.34-ACRE PARCEL OF

LAND INTO TWO PARCELS OF 6.34 ACRES AND 3 ACRES AT 9016 KIMBRO AVENUE SOUTH.

- J. RECEIVE UPDATE ON CODE ENFORCEMENT ACTIVITIES IN THE CITY.
- K. ACCEPT THE RESIGNATION OF RANDY ERICKSON FROM THE PUBLIC WORKS COMMISSION.
- L. ADOPT **RESOLUTION NO. 05-086** AMENDING CITY FEE TABLE.

MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

NONE

PUBLIC HEARINGS

NONE

BID AWARDS

- A. Consider Awarding the Contract for the Mississippi Dunes Phase 2 Utility, Street and Street Lighting Improvements Project to Hydrocon, Inc.

City Engineer Levitt stated that they received nine good bids noting that Hydrocon, Inc. came in with the lowest bid.

MOTION BY RICE, SECOND BY BAILEY, TO ADOPT **RESOLUTION NO. 05-087** AWARDING BID FOR THE MISSISSIPPI DUNES PHASE 2 UTILITY, STREET AND STREET LIGHTING IMPROVEMENTS PROJECT TO HYDROCON, INC. IN THE AMOUNT OF \$862,742.60. MOTION CARRIED 5-0.

- B. Consider Awarding the Contract for the Pinecliff First Addition Utility, Street and Street Lighting Project to Three Rivers Construction, Inc.

Mayor Shiely stated that the Three Rivers bid did not include the Engineer's estimate.

City Engineer Levitt stated that the estimate was omitted in error noting that it was for \$1 million.

MOTION BY RICE, SECOND BY BIGHAM, TO ADOPT **RESOLUTION NO. 05-088** AWARDING BID FOR THE PINECLIFF FIRST ADDITION UTILITY, STREET AND STREET LIGHTING IMPROVEMENTS PROJECT TO THREE RIVERS CONSTRUCTION, INC. IN THE AMOUNT OF \$1,025,279.80. MOTION CARRIED 5-0.

- C. Consider Awarding the Contract for the Installation of the Ornamental Steel Fence System to Century Fence Company.

City Engineer Levitt stated that three bids were received from Century Fence Company, Keller Fence Company and Gary's Fence Company with Gary's Fence Company coming in as the lowest bid. She explained that in reviewing the bid it was found that Gary's Fence Company bid a different fencing system called Lafayette #103, which does not meet City specifications. Staff is recommending that Council reject the bid from Gary's Fence Company and award the bid to Century Fence Company.

Council Member Grossklaus expressed concerns stating that there is potential for maintenance issues and asked if it has been clarified that the private property owner would be responsible for maintaining their side of the fence and that the City would maintain the property on the city side of the fence.

City Engineer Levitt confirmed that the private property owner would be responsible for the maintenance of their side of the fence and the City would maintain their portion of the fence area.

MOTION BY BIGHAM, SECOND BY BAILEY, TO ADOPT **RESOLUTION NO. 05-089** AUTHORIZING THAT THE BID SUBMITTED BY GARY'S FENCE COMPANY BE REJECTED AND THAT THE CONTRACT FOR THE ORNAMENTAL STEEL FENCE SYSTEM PROJECT BE AWARDED TO CENTURY FENCE COMPANY IN THE AMOUNT OF \$51,801.00. MOTION CARRIED 5-0.

UNFINISHED AND NEW BUSINESS

- A. Receive Update on Washington County South Service Center – Jim Luger, Washington County.

Jim Luger, Parks Director, Washington County, stated that they have been working closely with City Staff for the past twelve months to develop the proposed concept design for the County Service Center. He provided the Council with an update on their progress with the plans for the Washington County Service Center noting that it would be located at the intersection of Keats Avenue and 90th Street. He stated that the City and County would work together on the access and traffic issues noting that turn lanes would probably be added at the entrance points. He stated that they have worked with the Metropolitan Council to take the 30-acres from Cottage Grove to create the proposed service center and campus. He stated that the parking included in Phase 1 would be located in the area that would access the county building site. He reviewed the departments that would be located at the Service Center noting that they plan to add a license center and court services area in the future.

Mr. Luger stated that the Cottage Grove Regional Park is a relatively underused area and is primarily used as a trail park. He stated that he does not see this changing noting that it would remain a passive type park. He stated that they are hoping to break ground in 2005, build a road into the site and do some minor onsite grading. He stated that actual construction of the facility would begin in 2006 and be complete by 2007. He stated that they want to retain the water runoff onsite adding that they do not see their stormwater going into the City sewer system because they plan to manage the runoff onsite. He indicated that the plan also includes City sanitary sewer and water hookup.

Mr. Luger reviewed the landscape of the area stating that the vegetation would include prairie grasses, native trees and shrubs. He stated that once the County completes construction in 2007 they plan to bridge the small ravine to provide access to the current park area. He stated that they are also looking at the possibility of installing a trail that would run down along the ravine, under the bridge and connect with County Road 19. He stated that they are discussing the possibility of moving the current south access road noting that further assessment of the area has to be done first. He stated that if they find it a doable solution the main access would be from the north end and they would close the south access completely. He stated that they are currently working with a consultant on the design for the center and indicated that they are considering a one-story type building that would possibly include a library within the campus area. He stated that the changes have been reviewed with and approved by the Metropolitan Council noting that an amendment has to be included with the Master Plan. He stated that they would be looking to both the City of Cottage Grove and the Watershed for their involvement in the process noting that eventually the center would be surrounded by development and they want to be a good neighbor locally and regionally.

Mayor Shiely stated that she likes the way they plan to use the land and the proposed re-configuration of the entrance to the park. She stated that the changes for the entrance are a wonderful idea noting that the north entrance would be much safer, as the south entrance is not well lit. She stated that she would like to see a court system service in the south metro area.

Council Member Bigham agreed stating that the real plus is the park. She stated that it is really good to see that they are working to keep the natural beauty of the area.

Council Member Bailey referenced the building height and asked if anything was available for Council to review that would give them an idea of the what the building would look like.

Mr. Luger explained that they are currently working on the building design adding that when they are completed with the design process copies would be provided for Council review that would include the layout, concept design and sketches

B. Consider Awarding the Proposal for Professional Services for Design of the Ravine Parkway Phase 1 to Short, Elliott, Henderson, Inc.

Mayor Shiely noted the entire contract is contingent upon review by the City Attorney.

City Engineer Levitt explained that as the East Ravine process is nearing completion Staff would like to be sure that Council is clear on what is being designed for Phase 1 of the Ravine Parkway. She reviewed the process. She stated that Sue Mason from S.E.H. is present to answer any questions.

Sue Mason, S.E.H., 3535 Vadnais Center Drive, Vadnais Heights, provided the Council with a brief history of S.E.H. noting that the company started as a group of municipal engineers and grew from there. She stated that the office she currently works out of is considered the Design Center and includes geo technical engineers and structural engineers. She reviewed

the timeline of the project noting that the urban designers and landscape designers have been working with the Parks Department and County on the concepts being introduced this evening. She explained that the design requires further refinement. She indicated that one of the key elements of the project is to determine how the intersection would be developed, as it should have a turn-in capacity off the Parkway and off Keats Avenue. She stated that they want the access point, roadways and structure to fit into the natural environment noting that the other elements to consider include bringing in sewer and water to the site. She stated that some of the development is not in place and they have to determine the best way to loop the water main service up to the center in addition to reviewing the sanitary sewer needs. She explained that the current plan is to take some boring samples in the ravine to determine how the area would handle the bridge and provided Council with examples of various bridge designs for their review.

MOTION BY GROSSKLAUS, SECOND BY BAILEY, TO AWARD THE PROPOSAL FOR PROFESSIONAL SERVICES FOR DESIGN OF THE RAVINE PARKWAY PHASE 1 TO SHORT, ELLIOTT, HENDRICKSON, INC. FOR A TOTAL OF \$269,100.00. MOTION CARRIED 5-0.

C. Consider a Motion to Receive the 2004 Comprehensive Annual Financial Report.

Mark Gibbs, HLB, provided the Council with a brief summary of the audit process and reviewed the Comprehensive Annual Financial Report, State Legal Compliance Report, Federal Single Audit process, Management Letter, which includes the Collection Rates. He stated that the City had a property tax collection rate of 99.5 percent in 2004 and a special assessment collection rate of 90 percent in 2004.

He complimented Finance Analyst Brenda Peper and Finance and Administrative Services Director Ron Hedberg for the work they did in completing the actual audit packet. He stated that the City of Cottage Grove is one of the few metro Cities that puts the entire audit packet together and they did a great job. He thanked the City for the opportunity to perform the audit.

Council Member Rice noted that the special assessment collection rate was 90 percent and inquired about the remaining 10 percent. Finance and Administrative Services Director Hedberg explained that the main development in the delinquent balance as of December 31, 2004 was Mississippi Dunes.

MOTION BY BIGHAM, SECOND BY RICE, TO RECEIVE THE 2004 COMPREHENSIVE ANNUAL FINANCIAL REPORT. MOTION CARRIED 5-0.

D. Provide Comments on Informal Concept Plan for a Proposed Development on Property Located at Lehigh Avenue and 100th Street.

Community Development Director Blin stated that Staff is looking for comments from Council on the concept plan for a proposed development on property located at Lehigh Avenue and 100th Street. He asked Council to keep in mind that the property is over 100 acres of land and the Concept Plan currently shows 39 lots arranged around a loop road that ties back to Lehigh in two spots. He stated that currently Manning is a low volume, State trunk highway

and they are looking to provide access to the property off Manning. He stated that the property is currently guided for rural residential but is zoned as agricultural and would require rezoning before they could proceed. He stated that the typical lot size would be 3 acres noting that the current plan shows one to three acres with the bulk of the land as common open space that would provide a buffer along Manning. He stated that the cul-de-sac was shifted from the original design because the Planning Commission wanted the cul-de-sac to be more integrated with the rest of the area. He stated that the Planning Commission also wants as much of the rural character of the land to be retained as is possible and reviewed the changes with Council.

John Matthews, Developer, Lino Lakes, stated that he came in last week to work with the planning and zoning requirements. He stated that they received several comments on the design and worked to address as many as possible. He provided the Council with an overview of the cul-de-sac changes noting that they are trying to keep enough open space between the houses to provide a true open space feel to the area. He stated that they also plan to create a trail system throughout the development. He reviewed the access points noting that stone monuments with wrought iron fencing would be installed at both entrances. He reviewed the proposed landscape design noting that much of the landscaping would add more rural character to the area. He stated that the current concept shows 39 lots with a minimum of 100 feet between each of the homes. He provided Council with examples of other developments done by his company noting that the homes in this development would probably start at \$600,000 and each would be unique in their design. He stated that the majority of the properties would have retaining walls in addition to trails running throughout the development.

Mayor Shiely asked for clarification on the concept of a community well. Mr. Matthews confirmed that they plan to build a community well noting that most Cities prefer this concept versus several individual wells, as it is easier to maintain.

Community Development Director Blin confirmed stated that the County also prefers one community well versus 39 individual wells, as it would be easier for them to monitor water quality.

Council Member Bigham agreed with the rural look stating that she would prefer to see even more of a rural appearance. She asked what the County is planning for Manning. Community Development Director Blin stated that MnDOT does not have any current plans for Manning adding that discussions would occur as the project begins to move forward.

Council Member Bailey stated that he agrees with moving the cul-de-sac noting that the initial design looked disconnected. He stated that he noticed a proposed park along Lehigh and asked if it would be a functioning park. Community Development Director Blin stated that they have not decided what the park area would be yet.

Mayor Shiely asked what guaranty they have that they would end up with what is actually being shown on the concept plan if the property is rezoned. She asked how they would know for sure that they would get this level of quality or covenants. Community Development Director Blin stated that the first step would be to tie the platting to the zoning. He suggested

that Council review the preliminary plat for the rezoning and beyond that, be sure to work with the developer on the covenants to ensure that they meet the quality that is expected.

City Attorney Thomson clarified that when dealing with a situation where property is being rezoned the property owner has the ability to develop the property with any use permitted under the zoning ordinances. She stated that if Council approves the plat it is not a guarantee that everything would move forward as proposed. She explained that a plat could be approved and never be filed or not occur, which opens the possibility for another developer to come forward with a potentially different plan and Council would be required to approve based on what is outlined in the approved ordinance. She stated that there are no sure guarantees and advised the Council to work closely with the developer on the conditions of the plat.

Council Member Grossklaus asked if this would be an appropriate situation for a PUD. City Attorney Thomson agreed that with a PUD the City would have more control over the specifics of the development and there would be more give and take with the property owner.

Mayor Shiely stated that the problem with a PUD is that it has been developer driven and it becomes difficult to see where the City has benefited as outlined in the agreement. She complimented the resident, Mr. Biscoe, in working so closely with the developer noting that this is exactly what the City needs. She stated that this is a completely different type of living that the City of Cottage Grove currently does not have, which is larger lot sizes with a rural feel. She stated that her only concerns are whether the plan and the covenants would actually happen and what would happen if they rezone the property.

Mr. Matthews assured the Council that it is his intent to move forward with the homes currently proposed on the plan.

Council Member Grossklaus asked if they work with one specific builder or a variety of builders. Mr. Matthews stated that he is currently affiliated with Healthy Homeowners and Integra Homes and it is their intent to bring in two or three additional builders that would follow the basic guidelines for the development. He stated that all plans would be reviewed for appropriateness and compliance with the guidelines and approved before a build could begin.

Mayor Shiely clarified that there would be a wide variety of location options for the house on the lot. Mr. Matthews confirmed stating that the property owner could opt to place the house anywhere on the property that works with the elevation. He stated that the lots, for the most part, are 150 feet wide and up to 300 feet deep.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

NONE

COUNCIL COMMENTS AND REQUESTS

Council Member Bailey provided the Council with an overview of the scheduled events for the annual Strawberry Fest including:

- The softball tournament schedule
- The parade route – down 80th Street to Jamaica and ending at 75th Street.
- Sam Jacobson is the Grand Marshal for the parade this year
- The Marching Band Competition includes a professional group of judges. Four bands are registered to participate.
- Jaycees are sponsoring the Carnival and jointly sponsoring the Street Dance with The Rush
- Daily activities are scheduled on all stages throughout the week
- Several Food Vendors will be participating this year, lots of variety.
- Cottage Grove Athletic Association is sponsoring Bingo. All proceeds go towards the Youth Programs.
- A pancake breakfast is scheduled at the VFW on Sunday and includes a horseshoe tournament. The Ms. Cottage Grove pageant is scheduled for the weekend of June 18th.
- Tickets for the Jaycee Carnival are available at City Hall
- Strawberry Fest buttons, which provide special discounts, can be picked up at a variety of local businesses including Cub Foods and City Hall
- A pageant dinner is scheduled at Tinucci's, contact City Hall for details.
- Slogan for this years' Strawberry Fest is 'Unity in the Community'.

PAY BILLS

MOTION BY RICE, SECONDED BY BAILEY, TO APPROVE PAYMENT OF CHECK NUMBERS 140102 THROUGH 140316 TOTALING \$606,739.95. (CHECKS 140102 – 140124 IN THE AMOUNT OF \$70,807.81 ISSUED PRIOR TO COUNCIL APPROVAL.)
MOTION CARRIED 5-0.

WORKSHOP SESSION – OPEN

NONE

WORKSHOP SESSION – CLOSED

NONE

ADJOURNMENT

MOTION BY RICE, SECONDED BY BIGHAM, TO ADJOURN THE MEETING AT 8:55 P.M.
MOTION CARRIED 5-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.