

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

July 20, 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 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
Harry Taylor, Public Works Supervisor
Corrine Thomson, City Attorney

Not Present: Council Member Mark Grossklaus

Harry Borg, 8905 Hallmark, stated that he is present this evening to discuss the decisions made regarding the changes with the traffic signs in his neighborhood. He expressed concerns regarding the proposed changes noting that a neighborhood meeting was held last year on August 26th to discuss traffic issues in his neighborhood and it was indicated at this meeting that his corner was approved for a 4-way stop and now he is receiving letters from the City indicating that the signage would be changing again. He asked what happened noting that flyers were sent out to the residents asking for their feedback, which was provided by all of the residents adding that it appears now that none of their input is being considered. He stated that he is very concerned as he can barely back out of his driveway most of the time. He provided the Council with photographs of the area and intersection stating that he would like his corner to remain as a 4-way stop. He stated that he is very concerned about the safety in his neighborhood noting that drivers tend to race around the corner near his home and many tend to run the stop signs. He urged Council to reconsider the changes noting that safety is his main concern.

Mayor Shiely acknowledged Mr. Borg's concerns stating that the Council would refer his concerns to the Public Safety Department, and the Council would respond at the next City Council meeting.

Deputy Public Safety Director Zurbey clarified that they are currently in the process of discussing the conversion to 4-way stops in the area. He stated that they would review the area and respond to Mr. Borg's concerns at the next City Council meeting.

Mr. Borg also referenced Nelson's screening pit noting that the pit is now down below the bedrock and expressed concerns that this is affecting the City drainage and its ability to retain moisture when it rains. He also stated that he is concerned that the emissions from the Nelson plant are getting into the atmosphere and pulling moisture from the air, which in turn affects the amount of rain the area receives. He noted that over the last couple of years the area has not gotten very much rain and it is his belief that this is due to the emissions from the plant. He suggested that the Council request that the Metropolitan Council review this area, as the pit is quite deep and should be reviewed.

Community Development Director Blin acknowledged Mr. Borg's concerns stating that the plant has to apply annually for a mining permit and assured Mr. Borg that the City would review this issue when they apply for the annual permit.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota held a regular meeting on Wednesday, July 20, 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 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
Harry Taylor, Public Works Supervisor
Corrine Thomson, City Attorney

Not Present: Council Member Mark Grossklaus

ADOPTION OF AGENDA

MOTION BY BAILEY, SECONDED BY BIGHAM, TO APPROVE THE AGENDA AS PRESENTED. MOTION CARRIED 4-0.

PRESENTATIONS

A. Power Outages and System Maintenance – Xcel Energy

Mayor Shiely stated that Collette Jurek, Xcel Energy Manager of Community Local Government Relations, and Steve Koski, Xcel Energy Area Reliability Engineer were present to discuss the recent power outages and system maintenance.

Steve Koski, Xcel Energy Area Reliability Engineer, explained that one of his functions at Xcel is system reliability and reviewing various issues in order to ensure that metro areas are not overloaded. He further explained that there are several different types of outages that could occur including transmission substation outages, second level feeder type events and transformer outages. He noted that whenever a feeder type event occurs at a substation they do receive an event alarm and explained the difference between feeders and tap events. He reviewed outage procedures noting that the number of customers that could be affected on a tap outage could range from 20 to several hundred. He stated that this year the area has experienced several severe storms. He noted that the 90-degree stretch of heat that the City has been experiencing has also placed considerable stress on the system adding that in the Summer of 2006 Xcel Energy has plans to proactively replace the transformers before they actually fail. He stated that the data from 2005 usage provides a good picture of the types of overloads they are experiencing and in what areas they are occurring. He reviewed 2005 maintenance noting that they would be trimming trees out of the eight feeders located in Cottage Grove and plan to be completed by the end of the 2005 season. He stated that Xcel also plans to replace approximately 4,700 feet of cable that would affect customers north of 75th Street, south of 80th Street, east of Inman and west of Winwood. He stated that any time a tap level outage occurs he goes out to inspect the area for trees leaning on the lines and also checks for problems with the transformers. He indicated that this is an ongoing, weekly process noting that he receives reports that show all of the fuses that have gone out over the past year. He provided Council with an overview of the outage history and resolutions for the feeders located in Cottage Grove.

Council Member Rice referenced the tree trimming and asked what kind of notice does the customer receive before they come out to trim the trees.

Ms. Jurek explained that Xcel tries to trim the trees every four years adding that when they are preparing to go into an area they utilize door tags and notification letters that are sent to the affected residents. She stated that they also walk the neighborhoods knocking on doors, and if the resident is not home they hang a tree trimming tag on that door that includes the following information from Xcel: what is happening in the area, the date they plan to begin the work, identification of the trees to be trimmed or removed and information on the trees. She stated that they try to provide a week to two weeks advance notice adding that they also try to determine telephone numbers for contact purposes and the best time of day to contact a resident. She explained that if Xcel initiates the removal of a tree, they trim the tree down to a stump and are responsible for removing the debris but the property owner is responsible for the actual removal of the stump. She further explained that if Xcel is in the area for emergency restoration or if a customer calls and requests tree trimming the removal of the debris is then the responsibility of the property owner. She indicated that this process is clearly outlined in their brochures. She referenced the transmission line easements noting that Xcel is reclaiming the easement right-of-ways and is in the process of trying to clear the

easements of vegetation. She stated that there are certain kinds of trees that are allowed to grow in or near distribution/transmission easement areas and encouraged residents to contact Xcel prior to planting to obtain permission to plant in the easement areas. She assured Council that gardening is not a problem adding that if they are doing storm recovery work Xcel could bring equipment through that area, which could cause damage to the gardens.

Council Member Rice asked if Xcel replaced several of the existing splices located along 74th Street and 80th Street last year.

Mr. Koski confirmed that much of the cable was replaced along 80th Street in the early 1990's noting that as they find failed splices they are replaced. He indicated that a team has been assembled to try to determine if there is any technology available that would help determine problems before the splices fail noting that any time a road is replaced Xcel does come in and review the splices. He explained that the plan is to have a cable company come in to review and provide recommendations to help find all of the problems and get them taken care of.

Mayor Shiely thanked Ms. Jurek and Mr. Koski for their update and asked that they return once Xcel has something more definitive to tell them. She expressed her concerns stating that this problem has been just as difficult on the local businesses as it has been on the residents noting that the outages have adversely impacted their computer systems and their ability to conduct business. She explained that the outages have occurred in an area of the City where they are working to build up the area and improve the services provided. She stated that the Council appreciates the fact that Xcel comes out periodically to explain the issues adding that the Council wants regular updates on their progress.

Council Member Bigham explained that her biggest concern is the fact that it appears to be the same time every year that the outages occur and asked if there is a way that Xcel could be more proactive in stopping these consistent, reoccurring outages. She stated that every year around July 4th the 80th Street area experiences these outages and is should be resolved.

Mr. Koski stated that there is a lot of tap level cable in that area and assured Council that they would do some research in the area to try to determine what is causing the outages. He stated that Xcel would also like to come out and meet with the residents.

Ms. Jurek noted that anyone who would like a copy of the brochure could call 1-800-895-4999 and request a copy of 'The Right Tree Guide'.

APPROVAL OF MINUTES

A. June 1, 2005 Regular Meeting

Mayor Shiely stated that the minutes stand approved as presented.

B. June 15, 2005 Regular Meeting

Mayor Shiely stated that the minutes stand approved as presented.

CONSENT CALENDAR

Council Member Rice asked to pull Item 4C. He stated that he would like to thank all of the local businesses and private citizens who have donated funds in support of City events over the last month. He reviewed the list of donors with Council and thanked the donors for supporting the City of Cottage Grove.

Council Member Bailey asked to pull Item 4E. He stated that he would like to thank Cold Stone Creamery on behalf of the Park Trust Fund noting that their donation would be put towards improvements and maintenance of the City Parks.

MOTION BY RICE, SECONDED BY BIGHAM, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - i. PUBLIC WORKS COMMISSION OF MAY 9, 2005.
 - ii. ECONOMIC DEVELOPMENT AUTHORITY OF MAY 10, 2005 AND JUNE 14, 2005.
- B. ADOPT **RESOLUTION NO. 05-106** APPROVING PLANS AND SPECIFICATIONS AND ESTABLISHING A BID DATE FOR THE HIGHLANDS POND GRADING PROJECT.
- C. ADOPT **RESOLUTION NO. 05-107** ACCEPTING DONATIONS FOR CITY CELEBRATIONS.
- D. AUTHORIZE ISSUANCE OF THE FOLLOWING LICENSES TO THE CHURCH OF ST. RITA: 1. TEMPORARY ON-SALE LIQUOR LICENSE FOR AUGUST 13, 2005 (CHARITY PIG ROAST); 2. TEMPORARY ON-SALE LIQUOR LICENSE FOR SEPTEMBER 24 AND 25, 2005 (FALL FESTIVAL); 3. SINGLE OCCASION GAMBLING PERMIT FOR SEPTEMBER 24 AND 25, 2005 (FALL FESTIVAL).
- E. ADOPT **RESOLUTION NO. 05-108** ACCEPTING DONATION FROM C U TOMORROW LLC/DBA COLD STONE CREAMERY ON BEHALF OF THE PARK TRUST FUND.
- F. ADOPT **RESOLUTION NO. 05-081** AN AMENDED RESOLUTION GRANTING A VARIANCE FROM TITLE 11-6-3, SOLID WASTE STORAGE, TO ALLOW THE TRASH ENCLOSURE DOOR AT COLDWELL BANKER BURNET, 7350 – 80TH STREET SOUTH, TO HAVE A WIDTH OF 101 INCHES WHEN 108 IS REQUIRED.

MOTION CARRIED 4-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

- A. Response to Open Forum Inquiry on the City's current Water Treatment Supplier.

Mayor Shiely stated a representative from DPC, David Schindeldecker, attended the June 15, 2005 City Council meeting and expressed concerns that the City did not provide his company

with a fair opportunity to become a chemical supplier for the City's water utility department. She noted that the City has prepared a response to the complaint and asked if Mr. Schindeldecker had received a copy of the response.

City Administrator Schroeder confirmed that an individual from DPC Industries did attend the June 15th City Council meeting requesting that the City Council review the proposal and bid process and explain why an opportunity to submit a proposal and bid was not offered to his business. He explained that for the past 15 years Hawkins has been the chemical supplier for the Utility Department. He further explained that Hawkins and the Department have developed a good relationship over the years and Staff has a level of comfort with their current provider adding that this is the reason why Mr. Schindeldecker received word from Staff that the City was not interested in making any changes at this time. He stated that Staff did a price and service comparison and found that even though their prices are a bit lower, DPC does not offer any service other than chemicals. He stated that with the little amount of cost savings the City would gain by changing to DPC it would not come close to the products and services Hawkins could provide to the City noting that when considering the labor savings versus purchasing from DPC the savings would be a wash. He stated that the response to this supplier explained that given the additional labor savings from the City's current supplier that the City is comfortable with maintaining their current contract with Hawkins. He indicated to Council that Staff would be taking a closer look at all of their contracts to ensure that all of them are following the City purchasing practices. He expressed his appreciation to Mr. Schindeldecker for bringing this concern to the City's attention.

PUBLIC HEARINGS

NONE

BID AWARDS

- A. Consider Awarding the Contract for the Timber Ridge 6th Addition Utility, Street and Street Lighting Improvements Project to Three Rivers Construction in the amount of \$962,745.81.

MOTION BY RICE, SECOND BY BAILEY, TO ADOPT **RESOLUTION NO. 05-109** AWARDED BID FOR THE TIMBER RIDGE 6TH ADDITION UTILITY, STREET AND STREET LIGHTING IMPROVEMENTS PROJECT TO THREE RIVERS CONSTRUCTION, INC. IN THE AMOUNT OF \$962,745.81. MOTION CARRIED 4-0.

UNFINISHED AND NEW BUSINESS

- A. Consider Approving the East Ravine Comprehensive Plan Amendment for Purposes of Submittal to the Metropolitan Council.

Mayor Shiely clarified that Council would be voting on a proposal that covers four areas of the East Ravine Plan including the Land Use Plan; the Staging Plan; MUSA expansion and Infrastructure Plans. She explained that this is being presented as a basic plan noting that Council would not be considering street widths, fencing and items coming up as zoning and

ordinance issues at this time. She indicated that the plan does include turning a portion of Military Road into trail and realignment of 70th Street adding that the recommendations would be then provided to the Metropolitan Council for their consideration. She stated that Council would provide residents with two opportunities to make statements noting that this is the second opportunity.

Community Development Director Blin confirmed and further clarified that the action requested is to approve the Comprehensive Plan amendment for the East Ravine area for purposes of submittal to the Metropolitan Council. He noted that the plan amendment, which is essentially the East Ravine Master Plan, would then become part of the City's Comprehensive Plan by reference. He stated that the Metropolitan Council's review could take up to 60 days but hopes that the review would be completed within the next 45 days. He stated that the AUAR is currently out for review and it is Staff's expectation that the review should be completed by August 16, 2005. He noted that the drawing included in the Council's packet shows the general land use designations for the area that would be used to guide future rezonings. He explained that the Staging Plan lays out a process for phased growth in the area noting that the first area to be opened for growth is the Neighborhood 1 North Area, lying north of 70th Street and west of Keats Avenue. He further explained that the Staging Plan calls for the first phase of development as early as next year adding that approximately 18 months prior to full development in the first growth area, the Council would then begin considering the process of opening the Neighborhood 1 South area, located west of Keats and south of 90th Street. He explained that opening of the second growth area would involve rezoning the land and ordering utility improvements. He stated that part of the application to the Metropolitan Council would be for an expansion of the MUSA to include the entire East Ravine area, which is the area that would ultimately be served by the South Washington regional sewer interceptor. He stated that if the Metropolitan Council approves the MUSA expansion, no further regional approvals would be necessary for the development of the East Ravine. He stated that the City would control the rate of growth in the area through rezonings that conform to the Staging Plan. He stated that the plans for roadway improvements and sanitary sewer and water extensions are included noting that the plans would become part of the City's Comprehensive Plan. He indicated that the primary issue raised by residents has been the proposed realignment of Military Road. He stated that as previously discussed, one of the reasons for the proposed realignment of Military Road is the short distance between the existing intersections of Keats Avenue with Military Road and 70th Street adding that as an alternative to realigning Military Road, some have suggested that the intersection of 70th Street and Keats Avenue should be closed. He referenced the traffic count map noting that a segment of 70th Street west of Keats Avenue carries more traffic than Military Road west of Keats Avenue. He indicated that by closing 70th Street it would impact more residents than closing Military Road adding that approximately 80 percent of the traffic on Military Road west of Jamaica Avenue is turning onto Military Road at Jamaica Avenue and the majority of users of Military Road would be unaffected by the realignment. He stated that a traffic simulation was also done to determine future traffic conditions on Military Road noting that the map shows the current alignment and the forecast for traffic volume through 2020.

City Engineer Levitt further explained that Staff put together a traffic simulation to show the exact configuration and what happens with this intersection. She provided the Council with a

review of the simulation noting that as traffic enters this area they would eventually begin to see a backup of traffic on Military Road to the west. She stated that the backup from 70th Street could get quite extensive, as Military Road does not allow a consistent flow of traffic through the area. She referenced the simulation noting that they can see where a number of problems would continue to occur if the area remains with the current configuration. She explained that the simulation provides us with a better idea of what the area would look like in 2020 and provides a good idea of the kind of volumes the City could expect.

Council Member Bigham referenced the proposed traffic signals along Keats Avenue and asked if it would be possible to review how some of the signals would be installed.

Community Development Director Blin reviewed the full build out condition and the proposed locations for the signals with Council. He indicated that signals would be installed at 70th Street and Keats Avenue; 90th Street and Ravine Parkway; near the interchange and Highway 61; and possibly at 85th Street and Keats Avenue and Jamaica Avenue and 70th Street. He noted that the City of Woodbury also has plans for an extension adding that their plans could be out as far as 15 to 20 years.

Council Member Bigham referenced East Point Douglas Road and asked if there were any plans down by the ravine.

Community Development Director Blin stated that currently there are no plans tied to the northeast corner of the commercial area. He explained that this is something that the City would want to coordinate with the Washington County Park.

Council Member Bigham stated that she does not want to see any development done to the entrance of the East Ravine adding that she would prefer to see natural growth in this area. She stated that she would like to discuss this area further as she would prefer to be able to enjoy the entire park area.

Community Development Director Blin stated that this has been one of the more problematic areas in the plan noting that the County does not own this property and has no plans to acquire it. He stated that the City of Cottage Grove shows this area as commercial.

Council Member Bailey asked for comments on roundabouts.

Community Development Director Blin referenced the spacing between the existing 70th Street and Military Road noting that the area is problematic from a geometric perspective. He indicated that Staff has had several discussions with consultants on this concern.

City Engineer Levitt provided an overview of the roundabout in this area noting that one of the key items is the volume of traffic on 70th Street. She explained that as drivers are exiting the roundabout they would begin to see backups occurring in an area that is meant to keep traffic moving. She stated that the County has also researched roundabouts and determined that it would not be the best solution for this area.

Council Member Bailey asked for further clarification of the proposal if the intersection no longer exists and what would happen to Military Road.

Community Development Director Blin stated that the plan portrays Keats going west to Ravine Parkway adding that this portion of Military Road would be reserved as a trail corridor. He referenced the sketches provided in the Council packet noting that this is how the area would be potentially designed. He explained that the trail corridor would have a specific width, include some nighttime lighting and monuments describing the historical nature of Military Road.

Mayor Shiely referenced the issue of extending the MUSA line to encompass Old Cottage Grove stating that she does not recall ever discussing this, yet she now finds it as part of the proposed plan. She stated that she has concerns about this being included without discussion noting that if this piece is included in the plan reviewed by the Metropolitan Council that it would leave the impression that inclusion of the area into the MUSA is going to happen. She explained that she is concerned noting that the City has a habit of taking rural areas and making them urban. She further explained that she has always felt that the preservation of Old Cottage Grove was part of the plan and is concerned that this is a philosophical issue that has not been discussed by Council. She stated that she is not comfortable with this going to the Metropolitan Council for review without being discussed by the Council first.

Community Development Director Blin explained that by including Old Cottage Grove in the MUSA gives the Metropolitan Council the permission if there is a need to extend the sewer lines.

Mayor Shiely stated that she would prefer to move forward without this piece and go to the Metropolitan Council for permission only when necessary. She suggested deleting the first paragraph on page three referencing this suggestion.

Council Member Bailey asked how Staff would define the area if Old Cottage Grove were removed from the proposal.

Community Development Director Blin suggested that everything south of County Road 20 down to 80th Street be excluded from the MUSA extension.

Cheryl Kohls, 11825 70th Street South, stated that after seeing the model and hearing some of the discussion she can understand the proposed plan. She noted to Mayor Shiely that when this process began the City was in the process of interviewing consulting firms and during that period of time she stressed to them that the historical significance of the area is extremely important. She stated that she is very disappointed that all of these consultants and engineers couldn't figure out how to keep Military Road intact as a road. She thanked Mayor Shiely for mentioning her concerns regarding the MUSA extension. She noted that she is a member of the Infrastructure Maintenance Task Force Committee noting that part of their discussions have involved charging street assessments both inside and outside the MUSA that would utilize different calculations. She noted that she is concerned that if a resident is deemed rural and all of sudden, because of the MUSA extension, they became

urban, the street assessments would become higher for the resident. She asked City Administrator Schroeder, in an email, if there was a way to try to figure it out through the zoning process. She noted that even if Old Cottage Grove is removed from the proposed MUSA extension, what would happen with the North Lamar area where residents have up to five-acre lots. She expressed concerns asking what would prevent the City from doing whatever they want in an area if this is approved.

Community Development Director Blin stated that the area north of Lamar would be guided as rural residential development and zoned for rural residential, as it is today. He noted that this area would be outside the MUSA and reviewed the areas excluded with Council.

Ms. Kohls stated that she would be in support of recommending that the MUSA line change from what is being proposed. She stated that she does not see the need to jump into this and do massive changes.

Community Development Director Blin explained the rationale for including it all is so that the request would only have to go to the Metropolitan Council once. He expressed concerns stating that to go back again in two to three years, the rules could possibly change adding that Staff would like to take the opportunity to include all areas now.

Ms. Kohls asked if there is any land in the MUSA area that would be classified permanent ag or permanent rural.

Community Development Director Blin reviewed the urban density areas slated for development noting that Old Cottage Grove would be in the rural residential category.

Ms. Kohls indicated that this process began a very long time ago noting that she thinks it is a good plan compared to how things have been handled in the past. She expressed her appreciation for the time and effort spent on the part of Staff noting that the planning process has been very public, which was a good move. She stated that she supports the recommended changes to the MUSA and thanked Mayor Shiely for recommending that Old Cottage Grove be removed from the MUSA extension and for supporting the change.

Robert Eddy, thanked Mayor Shiely for her support on the changes to the proposed MUSA extension. He stated that he has signatures from 308 residents within the rural community noting that these individuals have signed a petition that stated they do not want to see Military Road removed or closed. He noted that several of the residents felt he was wasting his time with this petition adding that he felt it was important to let the Council know how the residents feel about the proposal. He referenced the history of Military Road noting that Council is being asked to make decisions that are based on old knowledge adding that the Planning Commission based their decision on the traffic counts. He indicated that he has driven Military Road on daily basis since 1968 stating that traffic has always been backed up where Military Road comes to a 'Y' at Bailey Road. He stated that it is understood that drivers would have to wait and take their turn getting onto Military. He referenced the changes proposed in the new plan and reviewed potential routes that could be considered with Council. He expressed concerns stating that the proposed changes would change the entire dynamics of travel on Military Road. He indicated that he overheard a County Commissioner

state that the City of Woodbury intends to keep their side of the area rural noting that as a community develops more stop signs and lights go in and acknowledged that this is something that everyone has to live with. He stated that historic Military Road is a County Road that belongs to the residents of the County and in order for Cottage Grove to be good neighbors to the east they should take their needs into consideration. He stated that many of the farmers in this area utilize Military Road to haul their grains and products adding that the residents have asked the Planning Commission to take another look at this and come up with a different option that would not impact Military Road. He provided Council with a copy of the petition. He also read the statement of support and recommendations made by the Cottage Grove Advisory Committee on Historic Preservation and Denmark Historical Society that Military Road, from Keats to Jamaica, should be kept, as is, for historical purposes.

Terrance Nichols, 6460 Lamar, noted that there is a lot of opposition to this proposal. He suggested that the Council delay their decision on this issue and not send the plan to the Metropolitan Council until all issues could be addressed. He urged the Council to take more time to think this through and asked that they work to keep Military Road open.

Rachel Harray 7890 Jonathon, stated that she has a couple of suggestions regarding commercial development in the area. She expressed concerns stating that as it is right now, most of the stores in the commercial areas are very inaccessible for handicapped individuals. She stated that many of the stores do not have electronic doors and asked the Council to consider implementing more automatic doors and handicap-accessible buttons. She referenced the East Ravine Parkway stating that she is concerned that having a road through this area, even along the ridge, would create a lot of problems, including an increase in noise. She stated that by having a road cut through this area it would ruin the opportunity to experience this area, in its natural state, for many of the citizens, and because of the wildlife in the park, residents would begin to see an increase in the amount of animals killed due to their displacement. She expressed concerns for the safety of the drivers and suggesting reviewing the road for safety, as well as the aesthetic purposes.

Community Development Director Blin confirmed that there has been some discussion on it and that the roadway would extend through the park area.

Council Member Bigham asked if handicap-accessible options are required or just an option for businesses.

Community Development Director Blin explained the State has building codes that govern the accessibility standards. He stated that he doubts that the City could supercede the State Building Code.

City Attorney Thomson stated that she would look into it. She explained that in general, the City does not have the ability to impose greater building code requirements than what is required by the State Building Code. She stated that she would do further research and update the Council on her findings.

Susan Burnt, 6801 Lamar, stated that her family has lived in this area since the Civil War, noting that the area where her Great Grandfather was buried is now Famous Dave's. She

stated that the City of Cottage Grove has a legacy of historical resources noting that they are rare and non-renewable. She explained that the conservation effort is rooted in the principle that preserving historical resources is always in the public's best interest. She stated that historical sites and properties would become more valuable in the future and it is our responsibility to ensure that they are preserved for future generations. She stated that Military Road is the most historic resource in Cottage Grove adding that it is not just a road, it is the route that was taken by the pioneers of the day and it was meant to supply the City of St. Paul with provisions and to bring new settlement to the area. She stated that the City Council is the steward and that they are required to act responsibly. She noted that this route still serves the City of St. Paul and the greater metro area in addition to Wisconsin. She expressed her disappointment in the process and urged the Council to consider all of these aspects and their contributions to history when making their decision.

Bob Basgar, 7950 Lamar Avenue, agreed that Military Road should be preserved noting that at one time Military Road actually went through his front yard. He referenced the map for the MUSA and asked what they use as a divider for the MUSA line.

Community Development Director Blin stated the red area on the map would not be included in the MUSA adding that everything not red would be included in the MUSA.

Doug Griffin, 7550 Laverne Avenue, stated that he is here to speak in opposition of closing Military Road. He stated that the current plan is the same map that was sent out to the residents and was also the same plan used at the public hearing. He noted that all of the residents who showed up at the hearing were upset and angry about the plan noting that he finds it strange that the map is the same map used from the very beginning and questioned whether the City actually listens to the concerns of the residents at the public hearings. He stated that if Staff is actually interested in what the public has to say wouldn't the map have been updated to reflect their input. He noted that Old Cottage Grove is a bedroom community and it is the responsibility of the City to ensure that access in and out of the area is easy, not more difficult. He referenced the extreme differences of speed throughout Cottage Grove noting that he travels Military Road at least twice a day adding that he is concerned about the time lost, noting that when he takes that extra one minute per trip times the number of trips daily it actually totals one full day out of his life, per year, sitting in traffic on 70th Street. He stated that in his opinion this has always been a 'done deal' adding that his reason for believing this is because nothing has changed on the map or in the plan from the very beginning, even with the public input. He asked Staff to show a simulation of 70th Street and Military and what it would look like if the intersection had a traffic signal installed. He urged Council not to close Military Road.

Mike Blitz, 6899 Lamar, stated that tonight is the first meeting he has attended where he has seen, from a City standpoint, the computerized simulation. He expressed concerns that Staff is trying to plant the seed in Council's mind that disaster would happen if they do not close Military Road. He asked Council to consider stoplights, stop signs and police control before closing Military Road.

Janelle Nelson, 10702 80th Court South, stated that she read in the pamphlet that the City Council is always very interested in hearing what residents have to say noting that the best

news she has heard so far is that Mayor Shiely supports Old Cottage Grove in its current rural state. She explained that she currently lives around the pond area along with thirteen other families. She stated that they purchased in this area because of the preservation efforts for the wildlife and expressed concerns that the proposed trail around the pond would disrupt their privacy and the wildlife in that area. She stated that she does not want people coming through her yard and urged the Council to carefully review and consider any proposed trailways in the area around the pond before sending this proposal to the Metropolitan Council for review.

Mayor Shiely assured Ms. Nelson that her concerns are not a small issue. She asked if this is something that could be changed in the future or would it be set in stone once the Metropolitan Council votes. She assured the residents that the Council would not use eminent domain to create the trail

Community Development Director Blin explained that the area around the pond is proposed for open space noting that there is also language included in the plan to connect 70th Street and 80th Street with a trail. He assured the Council that the plan could still be changed even after the Metropolitan Council vote.

James Litbaum, James Avenue South, stated that when he bought his property he was looking at the future development of the area and it was his understanding that the area would remain residential with the park adding that they are now looking at the area being rezoned to commercial. He stated that he bought the property so that he could go out at night and look at the stars and is now concerned about the potential commercialization of the area, which would include lighting changes. He asked what their plans would be for lighting if the area is zoned commercial adding that he hopes the lights would be kept to a minimum in the parking lots so that the residents can enjoy the area as they do now. He asked how close the commercial area would come to the residential areas.

Council Member Bailey clarified that Staff has discussed extensive buffering and that the buffers have also been included in the ordinance.

Community Development Director Blin explained that as this area develops it is the intent to place the quiet side of the businesses on the north side of the property so that the backs of the buildings would be absent of loading docks. He assured Council that Staff would look at controls on the overall lighting and nighttime lighting as this is all part of the design guidelines as they move forward with the project.

Mayor Shiely noted that this is one item within the plan that has changed due to comments from the public, the Planning Commission and Council.

Community Development Director Blin referenced the map and explained that the areas in white are existing developments and the proposed areas are outlined in red. He further explained that because of the grade differenced in the area the road would wind uphill and the plan is to screen the area towards the northern edge of the red area of the map. He stated that there would be a roadway between the two areas that also calls for extensive plantings to buffer the residential area.

Mr. Litbaum stated that he heard the same comments when the pipeline came through noting that there were several trees that were supposed to have been replaced during that project and never were replaced. He stated that he wants to be sure that the Council manages the tree replacement and ensure that the trees removed would be replaced.

Mayor Shiely clarified with Mr. Litbaum his understanding that when he bought his property he was under the impression that the area around the theatre would remain residential. She explained that this area had already been designated commercial and that it would remain commercial. She further explained that it has never been in the City's plan to change this area to residential.

Mr. Litbaum stated that Keyland Realty had assured them that the area around the theatre would remain residential.

Council Member Biggam stated that one of her concerns regarding land use is with the ratio for twinhomes, condos and townhomes. She asked if the City is locked into the ratio mentioned and are they combining buildings or counting them as individual units. She asked if the current plan is similar to what is out in Apple Valley and Eagan.

Community Development Director Blin explained that the numbers discussed reflect the numbers allowed in each area. He reviewed all land uses proposed and the formulas used with Council and confirmed that the proposed units are very similar to what is currently located in Apple Valley and Eagan.

Council Member Bailey asked who would be responsible for testing the well water and for maintaining it.

City Administrator Schroeder explained that the reason they included the Old Cottage Grove area is due to the inceptor discussions a few years ago. He stated that Staff was interested in making sure that the City kept that area in mind when they began discussing water issues. He stated that the City does not want to see any problems with contamination adding that they also want to be sure that the City has a way to address the issue should contamination occur.

Council Member Bailey noted that the Metropolitan Council likes to dictate density and how many houses are built and asked if there would be any concerns that the Metropolitan Council could come back saying the density is off if they remove this piece from the plan.

Community Development Director Blin stated that if this piece is removed it shouldn't make a big difference. He explained that he was told that the parcels would have to be between three to six acres per parcel adding that he is not concerned that this would happen.

Mayor Shiely referenced the concerns expressed about Military Road stating that the discussion makes it sound as if the road is going away completely and this is not true. She explained that there would be a stretch of Military Road included in the plan that would close but that portion of the road is proposed to become a trail that would come in along 70th Street

to Jamaica. She acknowledged that the change would add a short amount of time for travel adding that the one good thing is that the plan will call for the realignment of 70th Street. She stated that the County is in favor of doing away with this stretch of Military Road noting that prior to this meeting the City did advertise and encourage citizen membership on the Advisory Committee. She stated that she is a great lover of history and taught history in the local school district adding that she truly does appreciate the history of this community and what happened here in the 1800's. She stated that she does sympathize with the residents of Denmark Township in having to adjust their travel routes but also sympathizes with those in the room who have historical concerns. She noted that due to the expressed concerns regarding the historical nature of the road it was then proposed that the City preserve this portion of Military Road as a trail, which was not part of the original plan. She noted that they could recreate this portion of Military Road to look the way it did 150 years ago adding that there is nothing about the current Military Road that even hints at all of its history. She stated that she is favor of the concept to extend the trail all the way out to Point Douglas Road and to include historical markers along the way. She assured the residents that Council would work very hard to make sure that there is a trail that looks like the early Military Road. She stated that there is a need to shut down that portion of Military Road, as they have to consider what is best for the community as a whole. She stated that she would not vote on the Comprehensive Plan if it does include the MUSA extension for Old Cottage Grove. She added that it should be the choice of the residents of Old Cottage to remain rural or not.

Council Member Rice agreed stating that Mayor Shiely did a fine job of expressing his concerns too. He stated that he does like the way this process has taken place and how it has evolved over the last two years. He stated that he also agrees that the MUSA should not be extended past the ravine, west of Lamar Avenue, at this time but the City should have piping to the area so that it is ready to go if necessary. He noted that there are some wells and septic tanks in the area that are in trouble adding that he does not want to see a trail placed around a private pond and would prefer to keep that area out of the plan. He assured the residents that the Council has listened to their concerns and has heard what the residents have to say. He stated that Council has also spent time listening to the concerns from their neighbors in Denmark Township and Woodbury noting that he is in favor of shutting down Military Road between Jamaica and County Road 19. He acknowledged the history of the road noting that it was created in 1871 by the U. S. Government and agreed that if the City could keep some of the remnants of the route through the area it would be more successful in preserving the history of the area than if they lay down new pavement for a pathway. He agreed that the Council has to look out for the future of the entire area adding that he believes the Council and Staff is doing the best job possible.

Council Member Bigham agreed stating that if it hadn't been for the input of the residents the trail would not have been included on the map. She noted that the width of the streets was also an issue that the citizens had input on noting that this process has included a lot of public input.

Council Member Bailey noted that he is the Council Liaison for the Advisory Committee on Historical Preservation and as mentioned, he believes they are all on the same page with respect to Military Road. He explained that the Council has to take a look at what would happen over a long period of time adding that the road, as it is today, is not going to stay this

way now or in the future. He further explained that the area would become more urban and the Council must take this under consideration when looking at the grand scheme of things. He stated that he is very glad to see the trail corridor in the plan noting that this could not have been done without citizen input to the process. He referenced the master planning process noting that Staff is trying their best to get people to understand that the City is trying to have control over development rather than relinquish it to developers. He thanked Staff, Council, Commissions and Citizens for their input into this process. He assured the residents that the people have been heard and pieces of the plan reflect that input.

MOTION BY RICE, SECOND BY BAILEY, TO ADOPT **RESOLUTION NO. 05-110** ADOPTING THE EAST RAVINE MASTER PLAN AND COMPREHENSIVE PLAN AMENDMENT FOR PURPOSES OF SUBMITTAL TO METROPOLITAN COUNCIL WITH THE EXCEPTION OF NOT INCLUDING OLD COTTAGE GROVE EAST OF LOWEST POINT OF RAVINE, WEST OF LAMAR, AND ALSO NOT INCLUDING THE PROPOSED OPEN SPACE TRAIL ALONG AND AROUND SOUTHERN PARK PONDING WEST OF LAMAR. MOTION CARRIED 4-0.

Mayor Shiely called 5-minute break at 9:45 p.m.

Mayor Shiely called the meeting back to order at 9:50 p.m.

B. Consider Approving a Comprehensive Plan Amendment, Zoning Amendment, and Site Plan Review with Variances to allow a 6,424 Square-Foot Office Building to be located on the Southeast Corner of Hinton Avenue and 72nd Street.

Community Development Director Blin stated Mike Rygh has applied for a Comprehensive Plan amendment to change the land use designation for property located on the southeast corner of Hinton Avenue and 72nd Street from medium density residential to commercial/service/office; and a zoning amendment to change the zoning from R-5, Medium Density Residential, to B-1, Limited Business; and a site plan review of a 6,424 square-foot office building with variance to lot size and parking setbacks. He stated that the site plan details the proposed plan and has been provided to Council for their review.

Mayor Shiely clarified that the area is currently zoned R-5 noting that she received comments from residents in the area stating that they would like the area to remain zoned as a single-family residential area. She asked to review the type of housing that would be permitted in this area.

Community Development Director Blin stated that currently the area is guided and zoned for medium density. He reviewed stating that townhomes would be the type of housing permitted noting that it would be a higher density range with eight units per acre. He noted that along with the re-guiding the applicant is also requesting to rezone the area to permit limited businesses and to allow office use, but not retail. He explained that the request includes two variances, one for minimum lot size, which currently is two acres and the request is for one-acre parcels, which requires a variance. He reviewed the setback requirements for the parking lot noting that the building would be located on the west side of the property with the parking located to the east. He stated that much of the property is

encumbered by power line easements noting that the major high-tension line is running north/south and another runs east and west. He explained that the City requires a 30-foot setback from the edge of the parking lot to the residential area and this proposal is only 15 feet, which is why the Planning Commission recommended the variance. He stated that there would also be additional landscaping, which has been included on the revised site plan.

Council Member Bigham asked if there is a reason for 15 feet versus the 30 feet.

Community Development Director Blin explained that when they looked at the positioning of the building and the parking lot in relation to the power line easements it was determined that due to the site constraints they were limited to 15 feet. He stated that to answer concerns from the Planning Commission the plan now includes enhancements to the existing buffer area.

Mike Rygh, 7584 80th Street South, stated that the proposal is pretty straightforward adding that he is working to keep the residential look and feel and would work to make sure the transition went smoothly.

Mayor Shiely asked Mr. Rygh if he plans to move some of the trees into the buffer area. Mr. Rygh confirmed noting that the plan has been updated to reflect this.

MOTION BY RICE, SECOND BY BIGHAM, TO ADOPT **RESOLUTION NO. 05-111** APPROVING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE LAND USE FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL/SERVICE/OFFICE FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF HINTON AVENUE AND 72ND STREET. MOTION CARRIED 4-0.

MOTION BY RICE, SECOND BY BAILEY, TO ADOPT **ORDINANCE NO. 776** AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA AMENDING CITY CODE SECTION 11-1-6, ZONING MAP, VIA REZONING CERTAIN PROPERTY FROM R-5, MEDIUM DENSITY RESIDENTIAL, TO B-1, LIMITED BUSINESS, FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF HINTON AVENUE AND 72ND STREET. MOTION CARRIED 4-0.

MOTION BY RICE, SECOND BY BIGHAM, TO ADOPT **RESOLUTION NO. 05-112** APPROVING A SITE PLAN REVIEW OF A 6,424 SQUARE FOOT OFFICE BUILDING TO BE LOCATED ON THE SOUTHEAST CORNER OF HINTON AVENUE AND 72ND STREET AND VARIANCES TO TITLE 11-10A-6C(2) DEVELOPMENT STANDARDS IN THE B-1 ZONING DISTRICT, TO ALLOW A LOT AREA OF LESS THAN THE REQUIRED TWO ACRES, AND TO TITLE 11-3-9E(6)(b), DESIGN AND MAINTENANCE OF OFF-STREET PARKING AREAS, TO ALLOW THE PARKING SETBACK TO BE LESS THAN THE MINIMUM REQUIREMENT OF 30 FEET FROM A RESIDENTIAL DISTRICT. MOTION CARRIED 4-0.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

NONE

COUNCIL COMMENTS AND REQUESTS

Council Member Bailey stated that he has received several calls from residents asking him to mention the vandalism that is occurring at the park and ride. He asked if it would be possible to increase patrols in that area and also try to find out what the Metropolitan Transit Commission could do to help the situation.

Deputy Public Safety Director Zurbey stated that they have already increased the patrols in this area noting that he also provided Council Member Bigham with a report of the statistics in this area.

Council Member Bigham stated that several of the riders have also mentioned the problem of double-parking in the lot and asked that this also be included in the report.

Council Member Bailey stated that the Advisory Committee on Historic Preservation is currently working on a deck of historical cards and referenced vintage signage. He stated that he would like Staff to remember that when the Drive-In ceases to exist, he would like them to try to find a way to preserve the sign. He stated that the Historical Society does have space over by the Capital for storage adding that there are probably several places locally that would want the sign from a historical perspective.

Council Member Bailey referenced the use of irrigation systems within the business areas stating that he would like to make sure that businesses are actually using the irrigation. He expressed concerns stating that he has noticed a lot of dead bushes, trees, and shrubs in the newer areas of development and is concerned that they are not working to keep the landscaping alive and well. He encouraged them to watch their water usage but also work to maintain their landscaping.

City Administrator Schroeder agreed noting that the City has been watering a number of the City boulevards and there are a large number of City trees in serious shape. He noted that the trees along Hardwood Avenue are stressed due to the extreme heat and asked the citizens to water the city trees along the boulevard to help keep them alive.

Council Member Rice referenced the Drive-In sign and suggested using it at the Cottageview Commercial Center as a City landmark.

Mayor Shiely stated that she has a copy of a flyer regarding a Citizen's meeting to discuss the dog park. She expressed concerns stating that the flyer indicates that the City Council will not do anything about the dog park unless there is pressure from the community. She explained that the Council is not looking for pressure from the community, but they are looking for a commitment from the community that they would help run the dog park so it does not become a function of the Public Works Department. She stated that the dog park would not be successful unless people get involved.

Mayor Shiely noted that National Night Out would be held this year at Woodridge Park and invited the residents to join them for a fun evening of events.

Mayor Shiely noted that St. Rita's Church has done a lot of work to improve the drive along 80th Street. She stated that the landscaping they have done in this area is beautiful and would like St. Rita's to be considered for an award. She stated that the City should recognize their efforts with either an award or a letter of thanks.

Council Member Bigham stated that the Youth Safety Camp is currently in progress and thanked Staff for the time and efforts in making this event a success.

PAY BILLS

MOTION BY BAILEY, SECONDED BY RICE, TO APPROVE PAYMENT OF CHECK NUMBERS 140846 THROUGH 141049 TOTALING \$1,839,185.45. (CHECKS 140846 – 1140882 IN THE AMOUNT OF \$163,328.69 ISSUED PRIOR TO COUNCIL APPROVAL.)
MOTION CARRIED 4-0.

WORKSHOP SESSION – OPEN

NONE

WORKSHOP SESSION – CLOSED

NONE

ADJOURNMENT

MOTION BY BAILEY, SECONDED BY BIGHAM, TO ADJOURN THE MEETING AT 10:10 P.M. MOTION CARRIED 4-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.