

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

September 21, 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
Michael Zurbey, Acting 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, September 21, 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
Michael Zurbey, Acting Public Safety Director

Les Burshten, Public Works Director
Corrine Thomson, City Attorney

Mayor Shiely presided over the meeting.

ADOPTION OF AGENDA

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

PRESENTATIONS

A. Retirement Presentation: Fire Captain Jeff Harris.

Mayor Shiely asked the Council to come forward to join her for the retirement presentation for Fire Captain Jeff Harris.

Mayor Shiely introduced Fire Captain Jeff Harris stating that he is retiring after 20 years of service to the City of Cottage Grove, which the City has greatly appreciated. She provided the Council with a brief history noting that he reached the levels of Emergency Medical Technician, Firefighter 1 and Firefighter 2; Fire Instructor 1; Hazardous Materials Specialist; CPR Instructor; Fire Apparatus Engineer and Captain. She stated that this is wonderful 20 years of service adding that she wants him to know that the City, the Council and residents appreciate and value his years of service to the City. She presented him with a plaque and congratulated him on his 20 years of service with the City.

Fire Chief Byerly stated that 20 years of volunteer service is an incredible amount of time and involves incredible commitment. He thanked Captain Harris for his time and commitment and wished him well in his retirement.

Deputy Chief Dennis Leonard stated that during his 29-year career with the Fire Division, he has had the opportunity to work with individuals like Captain Harris adding that it is a sad note to see people like Captain Harris leave. He stated that he has had the opportunity to work with Captain Harris in several capacities noting that it has been a honor and privilege to work with him. He stated that he is very respected by his firefighters noting that his presence will be missed. He thanked Captain Harris from the Fire Division and the City of Cottage Grove.

B. Eagle Scout Presentation: Jeremy Van Bogart

Mayor Shiely asked the Council to come forward to join her for the Eagle Scout Presentation for Jeremy Van Bogart. She stated that Mr. Van Bogart is a Scout with Troop 286 and he recently obtained the rank of Eagle Scout. She explained that his achievement is important not just to his family or the scouting organization, but also to the community as a whole. She thanked him for his contributions and asked him to explain his project.

Mr. Van Bogart stated that his project was done at Zion Lutheran Church. He explained that he removed old track lights in the narthex of the church, repainted the ceiling with the help of

members from his troop and his family, and installed florescent lighting to brighten up the area. He stated that he has received a lot of positive feedback from members of the church noting that everyone was very surprised at the improvements.

Mayor Shiely read the plaque and presented it to Jeremy Van Bogart. She congratulated him on his achievements and thanked him for his contributions.

APPROVAL OF MINUTES

A. August 25, 2005 Special Meeting

Mayor Shiely stated that the minutes stand approved as presented.

CONSENT CALENDAR

Council Member Bailey pulled Item 4E for discussion. He stated that he wanted everyone to know what assistance the City of Cottage Grove is offering to aid Hurricane Katrina victims. He stated that currently they do not have anyone going to the area but the City has advised Emergency Management that the City could send four firefighters/EMT's or one firefighter, two police officers, ambulance medic 34 or Fire Engine 3125 from Fire Hall 2. He stated that the idea is that if there is a need at some point that this is available to them to help in the damaged areas. He stated that he wants the community to know that the City has offered assistance if needed.

Mayor Shiely pulled Item 4I for discussion and a separate vote. She stated that this item involves considering a variance to allow an addition to be located six feet from the side property located at 8059 Cornell Avenue South when ten feet is required by code. She explained that she pulled this item because Staff is recommending denial of the request and the Planning Commission voted to allow it. She stated that this is something that should have been considered under the regular agenda. She asked Staff to clarify the process used for this request.

Council Member Grossklaus stated that there seems to be some confusion as to whether this was going to be living space or storage space. He asked for clarification on the reasons given.

Community Development Director Blin clarified that the difference was whether or not there was a hardship. He noted that a setback for a garage is six feet and a setback for a house/living space is ten feet, which is the difference. He explained that Staff did not feel that there was sufficient hardship to approve the variance but the Planning Commission weighed the same information and found that there was. He stated that from the Planning Commission's standpoint, one of the main factors was the lack of any windows on that side of the house. He stated that the neighboring house was also setback approximately 22 feet rather than the typical ten feet and the Planning Commission found that there would be sufficient space between the two structures.

Council Member Grossklaus asked if the permit was pulled for storage space or living space.

Community Development Director Blin stated that his understanding is the applicant came in and requested a meeting with Staff. He stated that at that time there was no issue raised about the setback. He stated that the applicant went forward with starting the process with the contractor and it was only after the applicant made the formal application that Staff caught the need for a larger setback. He stated that the applicant went forward and built the structure because he had the contractor under contract and now he is back for the variance. He stated that the applicant did indicate at the time the building permit was issued that he would be seeking a variance noting that this was a means of expediting the construction of his house.

Council Member Grossklaus clarified that the City issued a permit that required a variance, after it was built.

Community Development Director Blin clarified that the City issued the variance for the garage addition, which was probably a mistake noting that they should have held up everything until the variance was decided. He stated that the stipulation on the permit for the garage expansion was that it could not be used for living space. He stated that he wants to make it clear that the applicant clearly indicated, at the time the building permit was issued, that he planned to request a variance to allow use of the area as living space.

Mayor Shiely stated that the question is whether they should go ahead and build something betting on the fact that they would receive a variance.

Council Member Bigham agreed stating that this is not a good practice to start. She expressed concerns stating that she is not sure if this is a miscommunication noting that she does not believe that it is not appropriate to build something prior to approval of a variance if it is known that a variance would be required.

Community Development Director Blin noted that there was miscommunication stating that the applicant was not told initially that the proposed addition was non-conforming and since he did not hear this he moved forward with the contractor and building process.

Council Member Bigham clarified that the applicant was aware, at the time of the building permit, that a variance would be required. Community Development Director Blin confirmed.

Darryl Shank, 8059 Hornell Avenue, stated that when he originally came in and met with the inspectors nothing was said about the code. He stated that the plans drawn were going to be done professionally and asked if Staff wanted copies. He stated that he was told that they did want copies and that they would wait to receive copies of the design. He stated that the first he knew of the code issues was when he went to the Planning Commission with his request. He asked what options he would have available to him that would allow him to build and asked why there is a five-foot requirement for garage storage space and ten feet for living space. He stated that he was told that he could use it as storage space. He stated that he decided to move forward with building the structure noting that he would take the chance that he would be required to use the area as storage. He reviewed the area with Council noting that he does not understand why there is not a hardship. He stated that the only

choice he would have would be to go up another story and decided to go forward noting that it would not change the outside of the structure. He stated that it was at this time that he was told and was asked to sign a note stating that he would only use this area as storage space until he applied for the variance. He assured the Council that the area would never be used as a bedroom.

Mayor Shiely asked if the situation could be resolved if Mr. Shank would be willing to take a portion of the area and create a closet space for storage. She explained that the difficulty in this is the fact that it would establish a precedent and Council has to review it at a global level. She reviewed the hardship criteria used with Council.

Mr. Shank stated that he is not asking the City to go off the side on variance requirements noting that he thought he was following all of the requirements. He stated that the outside structure does not change noting that if he does have to include a closet it won't change the design. He stated that it was his understanding that the intent is to improve the residences in the City of Cottage Grove. He stated that he has researched other requests noting that this is not the only request that has been considered.

Council Member Grossklaus asked if the note Mr. Shank signed was signed after the permit was pulled.

Community Development Director Blin stated that the note was signed at the time Mr. Shank received the permit on March 23, 2005.

Council Member Grossklaus stated that his issue is whether the note came with the building permit or after the building permit and whether staff knew about his plan.

Mr. Shank confirmed that Staff was aware of his plan from the beginning.

Council Member Grossklaus stated that if the City knew about this from the beginning he would have a hard time denying the variance because Staff knew about it and told Mr. Shank that he could do this.

Council Member Bigham agreed stating that this is what she was referring to with respect to miscommunication. She expressed concerns stating that they cannot have this happening.

MOTION BY GROSSKLAUS, SECOND BY BIGHAM, TO ADOPT RESOLUTION NO. 05-160 GRANTING A VARIANCE FROM CITY CODE TITLE 11-9D-5A, DEVELOPMENT STANDARDS IN THE R-3 ZONING DISTRICT, TO ALLOW AN ADDITION TO BE SETBACK 6 FEET FROM THE SIDE PROPERTY LINE AT 8059 HORNELL AVENUE SOUTH WHEN 10 FEET IS THE MINIMUM REQUIREMENT. MOTION CARRIED 5-0.

Council Member Bigham pulled Item 4K; Washington County's draft Capital Improvement Plan for 2006-2010, for discussion. She stated that she was very disappointed to see that there was no funding identified for the City Cottage Grove. She referenced the East Ravine project and expressed concerns stating that it appears as if the County is not helping or supporting the City when it comes to future planning.

City Engineer Levitt explained that a letter identifying the important projects and road improvements was sent to the County for consideration. She indicated that the road improvement projects identified included the Ravine Parkway, the Jamaica improvements and 70th Street.

City Administrator Schroeder noted that \$10 million was designated for the Wakota Bridge project and because 70th Street is a County Road, the City did receive County funding for a portion of the 70th Street project.

Mayor Shiely stated that the Council has written a letter to the County that expresses their dissatisfaction with the draft Washington County Capital Improvement Plan for 2006-2010 and outlines the projects the City could use their assistance on.

MOTION BY RICE, SECONDED BY BAILEY, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - i. PUBLIC WORKS COMMISSION OF AUGUST 8, 2005.
- B. ADOPT **RESOLUTION NO. 05-150** ACCEPTING GRANT FROM U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE FOR DOMESTIC PREPAREDNESS.
- C. ADOPT **RESOLUTION NO. 05-151** ADOPTING EXTENDING THE REDUCED SCHEDULE AND SALARY SAVING LEAVE PILOT POLICY.
- D. AUTHORIZE RENEWAL OF THE PACKAGE POLICY, VOLUNTEER ACCIDENT PLAN, AND OPEN MEETING LAW COVERAGE.
- E. RECEIVE UPDATE ON HURRICANE KATRINA ASSISTANCE OFFERED BY COTTAGE GROVE.
- F. RECEIVE THE RESIGNATION OF TIM SIRIANI FROM THE PARKS, RECREATION AND NATURAL RESOURCES COMMISSION.
- G. RECEIVE FOR COMMENT THE SOUTH WASHINGTON COUNTY TELECOMMUNICATIONS COMMISSION 2006 BUDGET.
- H. ADOPT **RESOLUTION NO. 05-152** DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL FOR PINECLIFF ADDITION STREET AND UTILITY IMPROVEMENTS. ADOPT **RESOLUTION NO. 05-153** CALLING FOR HEARING ON PROPOSED ASSESSMENTS FOR THE PINECLIFF ADDITION STREET AND UTILITY IMPROVEMENT PROJECT. ADOPT **RESOLUTION NO. 05-154** DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL FOR TIMBER RIDGE 6TH ADDITION STREET AND UTILITY IMPROVEMENTS. ADOPT **RESOLUTION NO. 05-155** CALLING FOR HEARING ON PROPOSED ASSESSMENTS FOR THE TIMBER RIDGE 6TH ADDITION STREET AND UTILITY IMPROVEMENT PROJECT. ADOPT **RESOLUTION NO. 05-156** DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL FOR PINE SUMMIT 7TH ADDITION STREET AND UTILITY IMPROVEMENTS. ADOPT **RESOLUTION NO. 05-157** CALLING FOR HEARING ON PROPOSED ASSESSMENTS FOR THE PINE SUMMIT 7TH ADDITION STREET AND UTILITY IMPROVEMENTS. ADOPT **RESOLUTION NO. 05-158** DECLARING

COSTS TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL FOR TIMBER RIDGE 5TH ADDTION STREET AND UTILITY IMPROVEMENTS. ADOPT **RESOLUTION NO. 05-159** CALLING FOR HEARING ON PROPOSED ASSESSMENTS FOR THE TIMBER RIDGE 5TH ADDITION STREET AND UTILITY IMPROVEMENT PROJECT.

- I. REMOVED FOR A SEPARATE VOTE.
- J. ADOPT **RESOLUTION NO. 05-161** GRANTING A VARIANCE FROM CITY CODE TITLE 11-3-3C, ACCESSORY STRUCTURE SETBACKS, TO ALLOW CONSTRUCTION OF A GARAGE 28 FEET FROM THE REAR PROPERTY LINE AT 10701 – 80TH STREET COURT SOUTH WHEN 50 FEET IS REQUIRED.
- K. ACCEPT RESPONSE TO THE DRAFT WASHINGTON COUNTY CAPITAL IMPROVEMENT PROGRAM FOR 2006-2010.

MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

- A. Response To Harry Borg Regarding Traffic Control at Hallmark Avenue and 89th Street.

Public Works Director Burshten confirmed that Mr. Borg received the traffic control reports for Hallmark Avenue and 89th Street.

PUBLIC HEARINGS

- A. Conduct Public Hearing Considering the Assessment of the Public Improvements.
 - 1. Mississippi Dunes Estates, 2nd Addition Utility and Street Improvements.

Mayor Shiely opened the public hearing at 8:06 p.m.

Mayor Shiely closed the public hearing at 8:07 p.m.

MOTION BY RICE, SECOND BY GROSSKLAUS, TO ADOPT **RESOLUTION NO. 05-162** RESOLUTION ADOPTING ASSESSMENTS FOR MISSISSIPPI DUNES ESTATES 2ND ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

- 2. Summerhill Crossing Addition Utility and Street Improvements

Mayor Shiely opened the public hearing at 8:07 p.m.

Mayor Shiely closed the public hearing at 8:08 p.m.

MOTION BY BAILEY, SECOND BY BIGHAM, TO ADOPT **RESOLUTION NO. 05-163** ADOPTING ASSESSMENTS FOR SUMMERHILL CROSSING ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

3. Pine Arbor 2nd Addition Utility and Street Improvements

Mayor Shiely opened the public hearing at 8:08 p.m.

Mayor Shiely closed the public hearing at 8:09 p.m.

MOTION BY RICE, SECOND BY GROSSKLAUS, TO ADOPT **RESOLUTION NO. 05-164** ADOPTING ASSESSMENTS FOR PINE ARBOR 2ND ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

4. Timber Ridge 4th Addition Utility and Street Improvements

Mayor Shiely opened the public hearing at 8:09 p.m.

Mayor Shiely closed the public hearing at 8:10 p.m.

MOTION BY BAILEY, SECOND BY GROSSKLAUS, TO ADOPT **RESOLUTION NO. 05-165** ADOPTING ASSESSMENTS FOR TIMBER RIDGE 4TH ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

5. Highland Hills 1st Addition Utility and Street Improvements

Mayor Shiely opened the public hearing at 8:10 p.m.

Mayor Shiely closed the public hearing at 8:11 p.m.

MOTION BY RICE, SECOND BY BIGHAM, TO ADOPT **RESOLUTION NO. 05-166** ADOPTING ASSESSMENTS FOR HIGHLAND HILLS 1ST ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

6. Summit at Highland Hills 1st Addition Utility and Street Improvements

Mayor Shiely opened the public hearing at 8:11 p.m.

Mayor Shiely closed the public hearing at 8:12 p.m.

MOTION BY BIGHAM, SECOND BY RICE, TO ADOPT **RESOLUTION NO. 05-167** ADOPTING ASSESSMENTS FOR SUMMIT AT HIGHLANDS HILLS 1ST ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

B. Hold a Public Hearing on an Amendment to the Comprehensive Plan to change the Land Use Designation for Various properties in the West Draw Area and expand the Metropolitan Urban Services area (MUSA) to include those Properties.

Community Development Director Blin noted that Council has been provided with a corrected resolution for their consideration. He stated that the City has initiated a proposed amendment to the Comprehensive Plan and expansion of the Metropolitan Urban Services

Area (MUSA) for properties located near 65th Street. He explained that approval of the amendment would reguide most of the remaining rural properties in the West Draw area to a Low Density Residential land use designation. He further explained that this designation would allow future rezoning and subdivision at urban densities. He stated that this action is proposed after Staff had received indications from most of the affected property owners that they intend to sell their parcels for development. He stated that it was suggested that the City act on reguiding all parcels at one time rather than consider plan amendments for individual properties. He explained that this approach would simplify the approval process necessary with the Metropolitan Council noting that it is not recommended that the individual properties be rezoned at this time. He stated that rezoning would be considered at the time subdivision of the property is considered. He stated that the rezoning would be done in two forms, reguiding from rural residential to low density and MUSA expansion.

Mayor Shiely clarified that the majority of the property owners have indicated that they are in favor of this.

Community Development Director Blin confirmed stating that a meeting was held in 2002 to determine if any of the property owners in the West Draw wanted to develop to urban standards and it was found that the majority of the land owners located south of 65th Street, who attended, indicated a desire to develop, which became Timber Ridge 6th Addition. He stated that an additional meeting was held in 2004 that related to the infrastructure improvements on 65th Street and that meeting resulted in the majority of the residents in the rural residential areas north of 65th Street indicating their desire to develop to urban standards, which resulted in the installation of sanitary sewer trunk lines in 65th Street.

Council Member Bigham clarified that property owners who decide to remain rural residential would not be assessed until the time they decide to subdivide their property. Community Development Director Blin confirmed.

Mayor Shiely opened the public hearing at 8:15 p.m.

Ronald Reiman, 6120 Hadley Avenue South, stated that his comments represent his views along with the views of the Campion family, the Cannon Family and Matthew and Julie Reiman. He stated that they have no objection to the expansion of the MUSA except for the properties on the east side of Hadley. He stated that currently the properties on the west side of Hadley are zoned with larger-size lots and suggested that the properties fronting the east side of Hadley be restricted to similar zoning since it is affected by the MUSA. He noted that Mr. Anderson is interested in developing property on the east side.

Tim Reiman, 6100 Hadley Avenue South, stated that he has lived on the property for approximately five years and has two concerns. He explained that he has a deep-rooted interest in keeping the natural features of the West Draw and is concerned about how the area could be developed. He stated that he has worked very hard to keep the area's natural features noting that he received a grant to assist him in restoring the natural beauty of the land, which included the removal of buckthorn and restoring the prairie features. He stated that his second concern is the wait and the City assessments. He stated that last year he

expressed his intent to keep the septic system adding that he is concerned about the potential for deep assessments as development comes into this area.

Mayor Shiely asked if Mr. Reiman would be assessed for anything at this point.

Community Development Director Blin stated that at this point in time there would be no assessments for Mr. Reiman.

Council Member Grossklaus asked if city services would be brought up to Hadley as the area begins to develop.

Community Development Director Blin explained that the proposed concept includes bringing a sewer line service up along Hadley noting that the City does not intend to install sewer services for the Reimans, therefore they would not be assessed in this process.

City Engineer Levitt clarified that the Reimans would not be assessed for the utility services but they would be assessed for the road improvements.

Mayor Shiely stated if the impetus for this is to bring the road up to standard because of the potential for development in this area, it would not be conducive to the type of lifestyle that property owners are trying to lead in this area. She stated that Council would like to know ahead of time if the development plan on the east side is to bulldoze Hadley and even it out.

Community Development Director Blin stated that this is the intent noting that currently it is a sub-standard road.

City Administrator Schroeder further clarified that the rural property owners would not bear any of the costs unless they decide to access the utilities. He stated that if Council amends this policy the process could change noting that this has been a long-standing approach the City has used with developments in the area. He stated that they do not expect much of an opportunity for utility assessments in this area adding that the road issues are tricky issues that City Engineer Levitt would be able to address at the time the utility services are installed. He stated that the Infrastructure Management Task Force has completed their study and their recommendations will be brought forward at the next Council meeting for review. He noted that as part of the Task Force report it does state that rural roads should be reconstructed in a rural form noting that he is not clear on how it would relate to this issue. He indicated that this action does portend that Hadley is going to be urbanized and reviewed with Council.

Mayor Shiely stated that one of the issues is whether this would remain a rural road or become an urban road. She stated that she wants to be sure that this is not assumed and is clarified.

Rich Light, 6192 65th, stated that he has the only property located in the western section and asked how he would go about locating information on how this area would be platted and how it would affect him. He stated that because his home was built in 1850 there is a lot of work he would have to do over the next couple of years adding that he does not want to invest a lot of time and money only to find out that he is going to be forced to sell or move. He stated

that he would like to know the timelines for development in this area and what would be built around him and how it would affect his property values. He noted that the area has already changed considerably from the plan he originally reviewed and is concerned about the impact these changes would have on his property.

Community Development Director Blin suggested that he meet with Mr. Light to review his concerns.

An unidentified resident from Geneva Avenue, stated that he has approximately five acres and asked what it would cost to hook up to City sewer and water.

Community Development Director Blin explained that he could show the per acre area charges and then determine the approximate costs based on the total acreage.

The resident stated that the 2020 plan indicates that buffering would be used for low-density areas and asked how the City plans to achieve the buffer line.

Community Development Director Blin explained that there are various ways that the buffer could be achieved including landscaping and berming. He stated that some form of screening would be a part of the development process in addition to looking at deepening the lots along with berming.

Mayor Shiely closed the public hearing at 8:35 p.m.

Council Member Grossklaus expressed concerns stating that he is very nervous about all of this. He stated that two or three years ago they were told that Hadley would be a main road for the area adding that none of the plan that was explained to him for the West Draw has become the West Draw. He stated that he does not want to see landowners forced out and asked if the City plans to force them off their property because they can no longer afford to live there. He stated that he knows this is coming and it is just a matter of knowing when and what they are getting into.

Mayor Shiely agreed stating that she too is concerned. She agreed that people have a right to sell their property adding that the City does not have to re-guide or re-zone the area. She stated that she agrees with the West Draw and how it has turned out. She noted that there are a lot of people who were involved with the West Draw controversy who are now selling their land for development. She stated that she could understand this when the property owners are trying to maintain a prairie lifestyle and find themselves surrounded by urban development. She stated that it is very difficult to try to continue maintaining a prairie lifestyle when development has moved into the area and is now forcing people out of the area. She stated that at this point, in all fairness, the City has to consider this and move forward with the process.

Council Member Bailey acknowledged Council Member Grossklaus' concerns and agreed that the City was aware that this was coming. He stated that this is the right thing to do considering that Staff has discussed this issue with the landowners and the landowners have decided not to join the MUSA. He stated that landowners should not have to hook up to city

services if they do not want to. He stated that if it does become feasible and the property owners desire hookup then they should be offered the opportunity. He stated that he is not willing to vote to make them do it.

Council Member Bigham agreed stating that sewer and water should be offered but not assessed unless the property owner chooses to connect to it. She clarified that the only time property would be rezoned or subdivided is if the property owner decides to sell the property to a developer. She further clarified that the City would never decide on the rezone or subdivision of property.

Community Development Director Blin confirmed that the City would wait for the landowner to come forward with a request to rezone or subdivide. He stated that until that time the land would remain zoned as R-1. He clarified that they are not here tonight to redesign the road noting that this is for future discussions. He stated that the project could start as early as next year and reviewed with Council.

MOTION BY SHIELY, SECOND BY RICE, TO ADOPT **RESOLUTION NO. 05-168** APPROVING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION IN THE COMPREHENSIVE PLAN FOR VARIOUS PROPERTIES IN THE WEST DRAW AREA AND TO EXPAND THE METROPOLITAN URBAN SERVICES AREA. MOTION CARRIED 4-1. (BIGHAM-NAY).

BID AWARDS

NONE

UNFINISHED AND NEW BUSINESS

- A. Consider Approving the Feasibility Report, Authorizing the Preparation and Acquisitions of Easements, Authorizing the Preparation of Plans and Specifications and Establishing a November 2, 2005 Public Hearing for Phase One, Part One of the Ravine Parkway Project.

City Engineer Levitt provided Council with a brief overview of Ravine Parkway noting that the first phase, which is the Feasibility Report, has been completed. She stated that based upon the analysis and information provided in the report it is felt that the project would be feasible. She reviewed the Phase 1 construction areas with Council noting that there would be several very unique amenities that would make a big statement along the parkway area of the City. She explained that they are looking at elaborate plantings in the area noting that the medians would be 16 feet with extensive vegetation. She stated that the plan also includes a bike trail, two lanes for traffic, a large planted median and decorative lighting. She noted that a decision has not been made yet on the type of lighting that would be used.

Council Member Rice clarified that there would be a 10-foot through lane and a 16-foot through lane.

City Engineer Levitt stated that there would be a lot of transitional work in the area to tie into the existing 90th Street. She stated that the reason for the odd dimensions is because the parkway would be basically 32-feet wide with one lane traveling in and then a through lane, with a left and right turn option.

Council Member Bigham asked if the layout would be similar to the Lake Hiawatha and Minnehaha Parkways.

City Engineer Levitt confirmed that it would be very similar noting that it could be very versatile and provide a lot of different amenities. She stated that they have proposed a number of options for the bridge and parkway crossings and reviewed examples with the Council. She reviewed the utility and water services stating that Washington County would fund the installation of the sanitary sewer line adding that there would be two drainage ponds that would serve the Washington County building. She stated that the project costs for Phase 1, Parts 1 and 2, would be approximately \$7.9 million. She stated that Part 1 would be approximately \$3,732,000.00 of that amount noting that cost recovery would include county participation, MSA funding, special assessments, area funds and East Ravine roadway charges. She stated that Staff has met with the County and assured Council that the County is very committed to a high quality project with the City of Cottage Grove.

Council Member Grossklaus acknowledged that the citizens of Cottage Grove would benefit from the improvements adding that the improvements would also benefit the citizens of Newport and Woodbury and asked if there is any way that they would help with the funding for this project.

Mayor Shiely asked if Staff has shared all concerns regarding finances and stormwater issues with Council and would there be an opportunity to discuss these issues further.

Community Development Director Blin stated that Staff intends to schedule a work session in four to six weeks to discuss the pros and cons, the financial aspects and the benefits of this project.

Mayor Shiely clarified that Staff is asking Council to approve the Feasibility Report, authorized the plans and specifications and establish the public hearing. She explained that her concern is with authorizing acquisition of easements prior to having a public hearing and asked if this has been done before. She stated that she would like the public to have an opportunity to provide input.

Community Development Director Blin explained that the easements are from the Church located on the west side of 90th Street adding that this has been discussed. He stated that Staff knows what the City requires in terms of easements and the Church is ok with it. He stated that the current question is the value, which they are in the process of determining adding that an offer would be made once the value has been determined. He noted that they might have to discuss this further if they are unable to come to an agreement on the value adding that the Church is aware and basically in agreement with everything.

Mayor Shiely asked if a copy of the Feasibility Report would be available for citizens to review. City Engineer Levitt confirmed that a copy of the report would be available at City Hall for citizens to review.

Council Member Bigham asked if the City is purchasing the land from the Church.

Community Development Director Blin stated the city is buying the easements and reviewed with Council.

City Attorney Thomson clarified that tonight the Council is only being asked to approve the Feasibility Report that has been prepared, which states that the project is physically and financially possible; authorize Staff to negotiate the acquisition of the easements, noting that Staff would have to come back to Council for final approval; authorize establishing a public hearing and initiating plans and specifications for the project. She provided the Council with an overview of the process and assured Council that they would definitely have an opportunity to receive input from the public. She explained that the assessment process would be determined at a second hearing, which would be held after the assessment roll has been prepared.

MOTION BY RICE, SECOND BY BIGHAM, TO ADOPT **RESOLUTION NO. 05-169** APPROVING THE FEASIBILITY REPORT, AUTHORIZING THE PREPARATION AND ACQUISITIONS OF EASEMENTS, AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS AND ESTABLISHING A NOVEMBER 2, 2005 PUBLIC HEARING FOR PHASE ONE, PART ONE OF THE RAVINE PARKWAY PROJECT. MOTION CARRIED 4-1 (GROSSKLAUS-NAY).

B. Receive Update on Single Sort Recycling Program and Consider Allowing both Bi-weekly and Weekly Pickup of Recyclables.

Council Member Bigham asked if the weight of a recycling truck is lighter than a garbage truck. A representative from Tennis Sanitation confirmed that a recycling truck is lighter and reviewed with Council.

Mayor Shiely explained that her concern is the potential wear on the City roadways. She agreed that the single-sort process is a good thing adding that there has been a definite increase in the percentage of citizens who now recycle. She stated that she does not understand the rationale of a weekly pickup noting that it should be a bi-weekly collection process for both haulers.

Council Member Bailey stated that he would prefer a weekly recycle pickup. He explained that if the City wants more citizens to recycle the process should be as easy as possible for them and include the pickup with the weekly garbage pickup.

Brian Voelker, Public Works, explained that Staff is looking for direction on the proposed changes for the pickup process. He stated that Staff would like to recommend changing the existing policy to a biweekly pickup for Waste Management and a weekly pickup for Tennis Sanitation. He stated that the haulers would be responsible for educating their customers on

the pickup process and schedule. He stated that the haulers have already started the education process by including flyers with the billing and through newspaper ads.

MOTION BY RICE, SECOND BY GROSSKLAUS, TO ACCEPT THE UPDATE ON THE SINGLE SORT RECYCLING PROGRAM AND ALLOW BOTH BI-WEEKLY AND WEEKLY PICKUP OF RECYCLABLES. MOTION CARRIED 5-0.

C. Consider Requesting Funds from MnDOT for the T.H. 61, Jamaica Avenue and West Point Douglas Road Intersection Improvements and providing Local Cost Sharing of the Project.

City Engineer Levitt stated that this past spring Council and Staff discussed the possibilities of roundabouts and different improvements for the Jamaica and Highway 61 interchange and decided to move forward to do a cost assessment and request funding from MnDOT. She stated that Staff has put together an extensive cost estimate, which is actually conservative at this point, noting that if it goes forward they would be asking MnDOT for cost sharing participation. She provided the Council with an overview of the area map and proposed features stating that this project would bring in additional streetscaping along Jamaica.

Council Member Bigham asked if 15 feet would be wide enough for the trucks and buses coming in from the Industrial Park area. City Engineer Levitt clarified that 15 feet is the minimum requirement and they used it to show that it would be sufficient. She noted that this is not final. She provided Council with an overview of the sidewalk and trailway locations.

Council Member Bailey asked what the timeframe is for the project. City Engineer Levitt stated that they are requesting the funds for 2007.

Council Member Bailey asked if there is a plan to provide an informational program to help educate the citizens. City Engineer Levitt stated that the Department of Transportation has a very extensive implementation process that is followed once they are constructed and includes an education process for the citizens.

Council Member Grossklaus clarified that they are asking for \$550,000. He noted that this is a State issue, not a City issue, and asked why there isn't more funding available at this level.

City Engineer Levitt stated that Staff recently submitted an application to the Department of Transportation to find out if the City would qualify for financing of this project. She noted that the typical amount received for a project like this would be approximately \$1 million and reviewed with Council.

City Administrator Schroeder reviewed the allocated funds for the project noting that approximately \$500,000 would be eligible from other sources. He explained that the City has a funding allocation cap for expenditures outside of the boundaries for a TIF district adding that they do have the expectation that there would be business properties that would be eligible for assessments for road improvements in their area. He stated that the amounts would be low but they should expect assessments. He stated that over the next few months Staff would be meeting with the business owners to discuss a number of items including this

project. He stated that Staff is confident that the City would have the fiscal resources to do this project.

MOTION BY BAILEY, SECOND BY BIGHAM, TO ADOPT **RESOLUTION NO. 05-170** REQUESTING FUNDING FROM MNDOT THROUGH THE MUNICIPAL AGREEMENT PROGRAM FOR IMPROVEMENTS TO THE INTERSECTIONS OF TRUNK HIGHWAY 61, JAMAICA AVENUE AND WEST POINT DOUGLAS ROAD IN THE CITY OF COTTAGE GROVE. MOTION CARRIED 5-0.

- D. 1. Consider Approving a Zoning Amendment to change the Zoning of Approximately 33 Acres of Land at 7530 – 65th Street South from AG-2, Agricultural, to R-2.5, Residential.
2. Consider Approving a Preliminary Plat for a Subdivision to be called Silverwood, which would consist of 62 Lots for Single Family Homes and 5 Outlots.

Community Development Director Blin stated BrightKEYS Development Corporation is proposing a 62-lot single-family residential development on the current Dahlin property located at 7530 - 65th Street. He stated that while BrightKEYS is proposing the preliminary plat, Town and Country Homes would take over the development of the parcel and build the houses. He explained that the development of the parcel would require City approvals for rezoning and for the preliminary plat and would be conditioned on approval of a Comprehensive Plan amendment for this and other parcels in the West Draw area. He stated that this amendment, and associated expansion of the MUSA, is being considered under a separated item. He provided the Council with an overview of the proposal noting that it would meet the standards for an R-2.5 district. He stated that in terms of the roadway access there would be a joint access off 65th to both the Pinecliff and Silverwood subdivisions. He reviewed the ponding with Council noting that the wetlands would remain. He stated that the Planning Commission reviewed the project on August 29, 2005 and recommended approval of the rezoning and subdivision requests. He stated that the Parks Commission reviewed the project on August 8, 2005 and recommended approval of a combination of a land dedication for the trail corridor and cash payment to satisfy park dedication requirements.

James Hill, Jr., BrightKEYS Development Corporation, reviewed the locations of the homes not included in the proposal with Council. He explained that BrightKEYS Development is part of a family of companies that includes a residential operation, a development operation and a holding company. He further explained that the focus on the development side is a neo-traditional concept and that they would see these qualities in the proposed development. He explained that they have looked to another builder, Town and Country Homes, because they recently developed a new product that is in compliance with the neo-traditional design that moves the garage back and brings the porch to the front of the structure. He provided Council with examples of the home designs noting that this is a new product line that does meet the need. He reviewed the costs noting that the price point would be in the mid \$400,000's as a starting point and move up to the mid \$500,000's. He reviewed the amenities including the open space dedicated to stormwater retention and wetlands noting that it would provide cohesion of the product and the community. He stated that the plans

would also include pedestrian opportunities that would provide links with the proposed corridor and trail on 85th Street. He noted that the plans would also include a sidewalk concept.

Mayor Shiely referenced the trail corridor noting that it is part of the park dedication and asked if this is something the City would normally do. Community Development Director Blin confirmed that it is a normal part of the park dedication process and reviewed with Council.

Mr. Hill referenced the landscaping stating that they plan to meet with Staff and the Park Department to determine the look of the corridor and 65th Street from a landscaping perspective and what would be appropriate for the area. He stated that they have discussed gaps in the property areas with residents and it is their plan to provide buffering and screening for the residents. He stated that they have discussed the neighborhood and impacts with Douglas Sachs, 7570 - 65th Street South, and at this point Mr. Sachs is comfortable with the proposal adding that they are not compelling Mr. Sachs to join the neighborhood. He stated that they did provide Mr. Sachs with the opportunity to hookup with the neighborhood in the event that he should decide to sell or subdivide his property. He stated that there would be no frontage on the street at this juncture and reviewed with Council. He stated that they would work with Staff to develop an agreement that would include land transfer comments that would allow the homeowner to recover any costs built into the lot.

Council Member Bailey asked if there is a plan for a homeowners' association. Mr. Hill confirmed and reviewed their responsibilities with Council.

Council Member Bailey referenced the monument sign noting that there has been considerable discussion around the type of signs they would use and asked if Staff would develop a proposal in advance for Council to review.

Community Development Director Blin stated that a sketch of a monument sign, similar to the park signs, is included and reviewed the example with Council.

Mr. Hill noted that the monument sign would be done in conjunction with the first phase of the project and reviewed the proposed location with Council.

Council Member Bailey noted that the City required berming and fencing along Hinton Avenue and 65th Street when they did the US Homes development and asked if this would be something the City would want to continue with this project.

Community Development Director Blin confirmed that they plan to require a landscaping plan for this area noting that berming would be difficult to do in this area and reviewed.

MOTION BY SHIELY, SECOND BY BIGHAM, TO ADOPT **ORDINANCE NO. 778** AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA AMENDING CITY CODE SECTION 11-1-6, ZONING MAP, VIA REZONING CERTAIN PROPERTY FROM AG-2, AGRICULTURAL, TO R-2.5, RESIDENTIAL, FOR PROPERTY LOCATED AT 7530 – 65TH STREET SOUTH. MOTION CARRIED 5-0.

MOTION BY RICE, SECOND BY BAILEY, TO ADOPT **RESOLUTION NO. 05-171** APPROVING THE PRELIMINARY PLAT FOR SILVERWOOD. MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

NONE

COUNCIL COMMENTS AND REQUESTS

Council Member Rice stated that it is time to deal with the variance problems. He expressed concerns noting that the City has had two instances this year adding that there is a need to make sure that everything coming into the City that is questionable goes through the appropriate processes before being presented for approval. He stated that the City should have a significant penalization process in place for violations adding that the current process is not adequate. He stated that the City has to get to a point where everything is done through the proper channels and processes.

Mayor Shiely agreed stating that they should make sure that no one gets the impression from Staff that a variance would be approved ahead of any consideration. She stated that the recommendation of approval from the Planning Commission does not always mean that the request would be approved by City Council. She stated that a request should be substantiated if Staff is recommending denial and the Planning Commission is recommending approval.

Council Member Bigham agreed adding that issues that are opposite from Staff recommendations should not be included for approval on the Consent Agenda. She stated that these items should be considered action items for Council discussion and review. She stated that she has discussed her concerns with Staff adding that the City should have a proactive remedy to stop people from getting permits that are not being used for what they were intended for.

Council Member Bailey agreed and suggested researching how other Cities handle this situation. He stated that it is his understanding that some Cities would actually remove a structure if a resident is caught going outside of the process.

Mayor Shiely announced that the Public Works Department is holding an Open House on September 22, 2005 from 3:00 p.m. to 7:00 p.m. at 8635 West Point Douglas Road. She stated that it would include food, demonstrations, lots of fun, and invited everyone in the community to come out and enjoy themselves.

Mayor Shiely referenced Xcel Energy stating that the City is currently dealing with Xcel on the continual power loss problems that residents have been experiencing. She stated that the City has been dealing with this issue for over three years noting that the City's Xcel representative has been doing a fine job in helping the City work through these issues. She stated that earlier this evening residents in the neighborhood along 100th Street and Heath came home to find hang tags on their doors announcing that Xcel Energy would be in the

neighborhood to cut down all of the trees in the area. She explained that these trees are not currently threatening any power lines but Xcel has decided to cut them as a proactive means to prevent potential issues. She stated that the residents are very irate about this issue and are concerned that the trees will become nothing more than a bunch of sticks. She explained that Xcel does not trim the trees; they literally cut them off and leave them like spears in the ground. She stated that she is very concerned noting that she does not understand why they are doing this, as the trees have not caused most of the outages that have occurred. She stated that she is very concerned about this happening along with all of the other issues the City is trying to address with Xcel. She stated that it is very concerning that a power company would have this much power and ability to impact citizens at such a level, with little or no control. She stated that she would like Staff to research their options with the Public Utilities Commission and asked if this is the City's only recourse with a company like Xcel. She noted that Xcel Energy is a Denver-owned business adding that they should try to make sure that they educate residents to not plant under or near utility lines. She noted that the trees in question were planted years ago. She suggested that Council consider getting involved with filing some form of complaint on this issue if the Public Utilities Commission is their only recourse. She acknowledged that cutting down trees is an easy resolution to help maintain the power lines but the personal effect on citizens is a concern that should be considered and addressed. She asked the Council for their input on the issue.

Council Member Grossklaus agreed stating that Xcel Energy should provide more time to the residents when notifying them of something like this. He expressed concerns that Xcel does not allow enough time for a citizen to research or make comments.

Mayor Shiely explained that Xcel Energy is telling the residents that they are basically within their legal rights to do this, that they can legally do this and that the residents have nothing to say about it. She asked if Council would be averse to taking other avenues to deal with the City's problems with Xcel Energy.

Council Member Bigham agreed with Mayor Shiely stating that the City has been very patient with Xcel Energy. She stated that this should be taken a step further adding that the City has done so much to save trees and yet Xcel Energy can come in and take them down with no input from the City. She stated that she has a problem with the process and would like to see this addressed.

PAY BILLS

MOTION BY RICE, SECONDED BY BAILEY, TO APPROVE PAYMENT OF CHECK NUMBERS 141748 THROUGH 141948 TOTALING \$1,284,522.02. (CHECKS 141748 – 141948 IN THE AMOUNT OF \$155,326.73 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 10:10 P.M. MOTION CARRIED 5-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.