

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

October 5, 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 Pro Tem Mark Grossklaus
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
Michael Zurbey, Acting Public Safety Director
Les Burshten, Public Works Director
Corrine Thomson, City Attorney

Not Present: Mayor Sandy Shiely

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, October 5, 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 Pro Tem Mark Grossklaus
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

Michael Zurbey, Acting Public Safety Director
Les Burshten, Public Works Director
Corrine Thomson, City Attorney

Not Present: Mayor Sandy Shiely

ADOPTION OF AGENDA

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

PRESENTATIONS

NONE

APPROVAL OF MINUTES

A. August 10, 2005 Regular Meeting

Mayor Pro Tem Grossklaus stated that the minutes stand approved as presented.

CONSENT CALENDAR

MOTION BY BIGHAM, SECONDED BY RICE, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
i. PLANNING COMMISSION OF AUGUST 29, 2005.

MOTION CARRIED 4-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

NONE

PUBLIC HEARINGS

- A. Hold a Public Hearing and Consider Selling 5,100 Square Feet of Pine Coulee Park to Ron Gerlach.

Community Development Director Blin stated that approximately one year ago the Parks, Recreation and Natural Resources Commission was approached by Ron Gerlach, owner of Gerlach Services, in regards to purchasing a 30 by 170 square foot strip of Pine Coulee Park property. He explained that Mr. Gerlach's intentions for the land is to expand his equipment storage area. He stated that after investigation of fiscal impacts on such a sale, the Parks Commission recommended the sale of the property to Ron Gerlach. He stated that Staff developed an asking price of \$30,600, which is approximately \$6.00 per square foot noting that the asking price was discussed with Mr. Gerlach in January. He stated that Mr. Gerlach

replied to Staff in March that he would be willing to purchase the land at the given price if the City would cover any legal costs incurred during the transactions. He noted that Staff also made Mr. Gerlach aware that he would be directly responsible for buffering the expanded area from the existing park land, which would include a fence, trees and shrub plantings sufficient enough to screen the storage area. He stated that the Parks Commission is recommending that if the sale takes place the funds from the sale should be placed into the Park Trust Fund with the idea that it could help fund park projects in the Capital Improvement Plan.

Council Member Biggam noted that she visited the property last spring. She clarified that the property is located on the park side and asked if the property would include the tree line.

Ron Gerlach, 11827 West Point Douglas Road, confirmed that the property is on the park side and would be west of the tree line.

Council Member Biggam stated that the tree buffer is an important issue noting that one of her concerns is the aesthetic view. She asked what would be done to address the tree line and buffer area.

Mr. Gerlach stated that he was willing to plant a tree buffer in this area.

Mayor Pro Tem Grossklaus opened the public hearing at 7:36 p.m.

Mayor Pro Tem Grossklaus closed the public hearing at 7:37 p.m.

City Attorney Thomson indicated that the legal description, included as Exhibit A, might not be accurate and assured Council that Staff would review the final documents and make the necessary changes to ensure that everything is accurate prior to the sale.

MOTION BY BAILEY, SECOND BY RICE, TO ADOPT **RESOLUTION NO. 05-172** AUTHORIZING THE SALE OF CERTAIN LAND. MOTION CARRIED 3-1 (1 NAY-GROSSKLAUS).

B. Hold a Public Hearing Considering the Assessment of Public Improvements.

1. Pinecliff Addition Utility and Street Improvements

Mayor Pro Tem Grossklaus opened the public hearing at 7:38 p.m.

Mayor Pro Tem Grossklaus closed the public hearing at 7:38 p.m.

MOTION BY RICE, SECOND BY BAILEY, TO ADOPT **RESOLUTION NO. 05-173** RESOLUTION ADOPTING ASSESSMENTS FOR PINECLIFF ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 4-0.

2. Timber Ridge 6th Addition Utility and Street Improvements

Mayor Pro Tem Grossklaus opened the public hearing at 7:39 p.m.

Mayor Pro Tem Grossklaus closed the public hearing at 7:39 p.m.

MOTION BY RICE, SECOND BY BIGHAM, TO ADOPT **RESOLUTION NO. 05-174**
ADOPTING ASSESSMENTS FOR TIMBER RIDGE 6TH ADDITION UTILITY AND STREET
IMPROVEMENTS. MOTION CARRIED 4-0.

3. Pine Summit 7th Addition Street and Utility Improvements

Mayor Pro Tem Grossklaus opened the public hearing at 7:40 p.m.

Mayor Pro Tem Grossklaus closed the public hearing at 7:40 p.m.

MOTION BY BIGHAM, SECOND BY BAILEY, TO ADOPT **RESOLUTION NO. 05-175**
ADOPTING ASSESSMENTS FOR THE PINE SUMMIT 7TH ADDITION STREET AND
UTILITY IMPROVEMENTS. MOTION CARRIED 4-0.

4. Timber Ridge 5th Addition Street and Utility Improvements

Mayor Pro Tem Grossklaus opened the public hearing at 7:41 p.m.

Mayor Pro Tem Grossklaus closed the public hearing at 7:41 p.m.

MOTION BY RICE, SECOND BY BIGHAM, TO ADOPT **RESOLUTION NO. 05-176**
ADOPTING ASSESSMENTS FOR TIMBER RIDGE 5TH ADDITION UTILITY AND STREET
IMPROVEMENTS. MOTION CARRIED 4-0.

BID AWARDS

NONE

UNFINISHED AND NEW BUSINESS

MOTION BY BIGHAM, SECOND BY BAILEY, TO APPROVE MOVING DISCUSSION OF
ITEM 8B TO ITEM 8A. MOTION CARRIED 4-0.

A. Consider Approval of the Infrastructure Maintenance Task Force (I.M.T.F.) Special
Assessment Policy for Public Improvements

City Engineer Levitt stated that in 1993 the City formed a Pavement Management Task Force and charged it with addressing policy issues regarding community standards for the level of street improvements and determining a mechanism for paying for this very expensive program. She stated that the mechanism chosen was an assessment procedure, which was crafted to reflect their recommendations. She reviewed the Task Force Committee membership and thanked the Task Force Committee members for all of their hard work and

support on this project. She reviewed the goals and scope of the Task Force noting it included an assessment process for urban, multi-family, rural, agriculture and commercial areas. She discussed the total project costs with Council noting that they also included property appraisals that were included in the feasibility report at the beginning of a project.

City Engineer Levitt reviewed the Tier System Map and the changes in the formula for properties with Council. She stated that for urban residential lots on urban/residential streets and for multi-family lots within or outside the MUSA, 45-percent of the project costs for both surface and sub-surface assessments would be assessed. She noted that the assessment would be apportioned among benefited urban residential and multi-family residential properties based on the number of residential buildable lot equivalent units for each property. She stated that the urban/residential includes single-family lots, duplex lots, condominiums, apartments and townhomes.

City Engineer Levitt stated that the commercial and industrial assessments are slightly different in that 100-percent of the projected costs would be assessed against benefited commercial/industrial lots. She stated that the assessment would include both surface and sub-surface improvements and would be apportioned among the benefited commercial and industrial lots. She explained that one-third of the projected costs would be apportioned among the commercial properties based on the number of linear feet abutting the improved street surface and that two-thirds of the project costs would be apportioned among the commercial properties based on the areas of the properties, in square feet.

City Engineer Levitt stated that for religious institution and school lots within or outside the MUSA, 75-percent of the total project cost would be assessed based on the front footage of the street that is being improved. She noted that other properties owned by the school district but not used for classes would be assessed in the same manner as city-owned property. She noted that city-owned property would be assessed on the same scale as commercial property.

City Engineer Levitt stated that for the rural residential land within or outside the MUSA, 45-percent of the total project cost would be assessed for major maintenance improvements to rural roads. She stated that the assessments would be apportioned among the benefited rural residential lots on a unit basis, with each lot being one unit. She noted that this assessment policy applies only to major maintenance improvements to rural roads that involve a 'replace-like-kind' in maintaining, repairing or replacing an existing road section to the same width and type of road surface, as it existed prior to the improvement. She stated that this policy does not apply to any road improvements that would involve reconstruction of an existing rural road to a standard urban street design. She noted that rural roads would not be brought to complete urban street standards until after the area surrounding the road is brought into the MUSA. She stated that this is a significant change in policy adding that the goal was to construct an urban standard street section for an urban or rural reconstruction project.

City Engineer Levitt stated that the agricultural assessments can be unique and would be based on a benefit appraisal done under the current zoning and land use as opposed to the

potential future zoning and land use. She noted that it should also be considered rural friendly.

Council Member Bigham clarified that the Ag portion would not have anything to do with looking at the Comprehensive Plan and asked what it would be two years from now. City Engineer Levitt stated that Staff is recommending the special assessment policy for public improvements as presented by the Task Force.

Council Member Rice asked if the sewer systems would be reviewed at the same time a mill overlay or spot curve is done in an area. City Engineer Levitt explained that typically they would review an area for potential water main breaks and sewer issues when they are doing a mill overlay adding that if any issues are found they would be corrected at that time.

City Administrator Schroeder noted that the simplicity of the process is that the assessments would be standard for both residential and urban projects.

Council Member Bigham noted that there are other items to consider along with the sewer and water mains including streetlights. She stated that the City does have a fund for streetlights and asked if they would be able to take funds from the water and sewer fund to cover some of these costs.

Finance and Administrative Services Director Hedberg noted 55 percent of the costs for a project would not be covered by the assessments. He explained that the funds would have to be taken from other sources to cover the remaining costs.

Council Member Bigham thanked the Task Force for their time and effort on this project. She noted that this was a lot of work and wanted to state that their work on this is very much appreciated.

MOTION BY RICE, SECOND BY BIGHAM, TO APPROVE THE INFRASTRUCTURE MAINTENANCE TASK FORCE (I.M.T.F.) SPECIAL ASSESSMENT POLICY FOR PUBLIC IMPROVEMENTS. MOTION CARRIED 4-0.

B. Consider Adopting the Gateway District Parks and Open Space Master Plan.

City Administrator Schroeder stated that on September 21, 2005 Council received a draft of the Gateway District Parks and Open Space Master Plan noting that this planning effort was authorized by the City Council on April 6, 2005. He indicated that funding for the planning effort would be from the Park Trust Fund for approximately \$40,000.00. He explained that the project is an effort to view a number of parks and open space areas in and near the Gateway North Redevelopment District as one cogent property. He stated that the expected result is to put an ideology in place that would allow the City to approach future park development and programming from a consensus understanding of the park and environmental resources that exist within this part of the City. He stated that Bob Close and Andrew Kadoch, Close Architecture, are present this evening to provide the Council with an overview of the plan.

Bob Close, Close Architecture, 2900 Thomas Avenue South, Minneapolis, stated that they have received a lot of good input throughout the process and provided Council with an overview and summary of the study area and the process they took in their approach to the study. He provided Council with an overview of their goals for the District Plan explaining that the idea is to provide active and passive community parks in close proximity to neighborhoods and commercial districts.

Mr. Close stated that developments would include trail connections, significant landscaping features and unique site locations. He referenced the Oakwood area noting that because of its key location in the City to residential, commercial and industrial areas, it became identified as a signature park for the City. He provided Council with an overview of the park layout and commons area noting that the existing disc golf course occupies most of the park. He stated that there are some very avid disc golf players and part of this park would be used for competitions and events. He explained that the park has been carefully designed so that the play fields could be developed in a way that would work well with the trail connections.

Mr. Close reviewed the long-range view of the park noting that as the City continues to mature and grow this park would also have an opportunity to fill an important need for the community. He provided Council with an overview of the proposed trail connections and discussed the potential for a new parkway on the west side of the park as development continues to occur. He stated that over time there would be an increase in density and uses in this area and this would create a front door to the park. He stated that the trail connections are a very important part of the park when considering future development and access points.

Mr. Close referenced Camels Hump stating that they should be careful when developing this area so that they maintain and protect the natural amenities. He reviewed the access points with Council stating that there is a need to maintain reasonable access to the park so that it truly becomes a place for all people.

Mr. Close referenced the gateway area from Highway 61 and reviewed how they would make crossings safer so that residents could move from one part of the city to another in a safe manner. He indicated that one of the directives they received from the Committee is the need for larger native plantings in the area. He provided Council with an overview of the landscape diagram of the area stating that it is his belief that they are paying close attention to all potential opportunities so that they can be sure that they are optimizing all potential connections within the community and beyond. He stated that the directional signage would help people easily navigate through the area.

Mr. Close provided the Council with an overview of the priority projects including: Camels Hump Way - paved and unpaved trails and ravine access; and the commons area for Oakwood. He indicated that he has received positive feedback from the community regarding the clearing of the area adding that residents have stated that they want the ability to get to the top of the knoll and enjoy the commons area.

Mr. Close reviewed anticipatory projects including the crossing for Highway 61 and the Cottage Square redevelopment site. He explained that a project described as an anticipatory project means that the City should be ready for the reconstruction and redesign of the area.

Mayor Pro Tem Grossklaus asked if anyone has looked at the possibility of reversing the golf course to make it an 18-hole course.

Mr. Close stated that they did give this option some consideration. He stated that there were discussions regarding a couple of modifications for the course that would allow the same tee at the end in order to provide additional holes. He agreed that as the park roles change the City should consider and review other options.

Council Member Bailey referenced the open area along Highway 61 and asked if there are any plans for trail connections in this area.

Mr. Close stated that trail connections in this area would probably not be considered noting that access across a railroad system is always very challenging.

Council Member Bailey stated that the Council has received a lot of feedback from the residents on the west side who continually ask for a safe access point to get from one side to the other. He stated that this is a very important issue and asked Mr. Close to keep this in mind as the move forward.

Council Member Bigham agreed stating that the one thing the City does not have is an overpass access to the park. She stated that the ideas and options are endless. She referenced the disc golf course noting that she is glad to see that it is still part of the plan. She asked if anyone from the disc golf course was consulted.

City Administrator Schroeder stated that Staff has communicated with several individuals regarding the course noting that it is his belief that the reason disc golf is still included at this park is due to the input Staff has received.

Council Member Bigham asked if Staff has talked with anyone from the golf course regarding the specific design of the course.

City Administrator Schroeder assured Council that Staff has received input from several individuals regarding the design of the golf course. He stated that Staff has also received offers to assist with the design or redesign of the course. He stated that this is a detail that would be worked out in subsequent phases of the project.

Council Member Bigham asked if any feedback has been received from Staff or the Consultants in regard to promoting activities with this new amenity.

Mr. Close stated that they have received considerable feedback including suggestions for utilizing the area for live performances. He stated that this would be a fabulous place for live performances adding that programmed activities held throughout the summer months could change the entire perception of the park.

City Administrator Schroeder referenced the Land Trust stating that they have been a partner in reviewing the land use and open spaces. He stated that they have had discussions

regarding the wetlands and the arboretum noting that the City has an amazing opportunity to enhance this area through the park redesign. He stated that Staff is envisioning that this area would become a landscaped garden space at the entrance area of the Community. He stated that it is their plan to work with the DNR as one of their partners as the City continues look at the redesign of this area.

Council Member Bigham asked if there has been any discussion about the possibility of Camels Hump becoming a Veterans' Park. City Administrator Schroeder confirmed that this idea has been discussed.

Mayor Pro Tem Grossklaus stated that he does like the idea of a Veterans' Park, adding that there are a couple of other possible locations that should also be included in the discussions. He asked what the phasing process would consist of for the redesign.

City Administrator Schroeder stated that the City needs partners and would be looking for partnerships throughout the process. He explained that the initial phasing would be to clear the area noting that there are funds to cover the costs for clearing the area. He stated that knoll and commons areas would probably get attention first as they continue the clearing. He stated that City Engineer Levitt is currently working through the resources and is trying to determine a way to provide additional stormwater ponding on the west side of the highway. He indicated that the larger infrastructure projects associated with the park would most likely be done at a later time.

Representative McNamara noted there are a couple of funding possibilities including the Capital Investment Bonding bill, the LCMR Grant, the DNR, and MnDOT. He agreed that this is an opportunity for everyone to work together on this project. He stated that he would like to see a softening affect along the highway and a better utilization of some of these spaces. He stated that the State of Minnesota is looking forward to working together with the City of Cottage Grove on this project noting that additional funding could become available as the Red Rock Commuter Rail moves into the area. He stated that he would look at all opportunities in an effort to support the redesign process.

Council Member Bigham stated that the Council received a draft copy of the County's CIP plan at their last Council meeting adding that she was a bit disappointed to see that the City did not receive any funding from the County. She acknowledged that the County's commitment is to transportation stating that any additional funding to help cover the costs for the new roads would be very much appreciated.

Representative McNamara acknowledged Council Member Bigham's concerns stating that it is the hope that funds would become available in the future. He thanked the Council for inviting him to attend the presentation.

MOTION BY GROSSKLAUS, SECOND BY RICE, TO ADOPT THE GATEWAY DISTRICT PARKS AND OPEN SPACE MASTER PLAN. MOTION CARRIED 4-0.

C. Provide Direction to Staff Regarding the Proposed Variance Policy

Community Development Director Blin stated that at the September 19, 2005 Council meeting Staff was asked to respond to the question of whether additional fees should be charged in cases where variances were sought after a structure was constructed in a non-conforming manner. He stated that after contacting staff at the Cities of Lakeville, Apple Valley, Eagan, Edina, Inver Grove Heights and Woodbury it was found that none of the Cities charged additional fees in these situations. He stated that some double the building permit fee if a permit had not been granted and some cities reported that if the zoning violation were extremely flagrant and had a negative impact on adjacent properties they might order that the structure be removed. He noted that none could recall ever taking such an action. He indicated that most stated that they occasionally have these situations and if it were found to be an honest mistake, a variance would be granted. He stated that staff is recommending that in the future if there is a situation like the Hornell Avenue variance, a building permit would not be issued before the variance is considered. He explained that Staff is recommending a fee for variances in these situations be increased from \$200 to \$800 in order to discourage anyone from constructing a non-conforming structure and then requesting a variance.

Council Member Rice stated that he likes the proposal.

Mayor Pro Tem Grossklaus agreed and asked if would come back as a resolution.

Community Development Director Blin confirmed that it would.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

A. Receive Information on Code Enforcement Strategies.

Community Development Director Blin stated that recently Staff has received comments on the need for an increased level of code enforcement noting that the main concern was the need for enforcement of parking ordinances in residential areas during nights and weekends. He explained that the plan is to divide the City into four areas and target this specific issue on nights and weekends. He stated that the City would also begin to enforce signage in commercial areas noting that Staff plans to distribute information on sign regulations to all business owners followed by inspections of properties to determine compliance. He stated that efforts to educate residents and businesses on property maintenance codes would be increased and would include articles in the Cottage Grove Reports, the South Washington County Bulletin, Cable Television programming and the City Website.

COUNCIL COMMENTS AND REQUESTS

Council Member Bigham stated that she would like to thank the Public Safety Department for their timely response to the fire on 71st Street last night. She stated that it was a very serious event noting that the buildings next to the actual fire survived due to their timely response.

Mayor Pro Tem Grossklaus noted that the Open House for the Fire Department is scheduled for October 13, 2005.

Mayor Pro Tem Grossklaus referenced the area of 80th and Crestview and expressed concerns for the safety of a group of children he observed trying to cross in the area against traffic. He stated that drivers are not only turning on the arrow, they are also turning on the green, without waiting for the children to get across the street. He expressed concerns for the safety of children in this area and asked how this issue could be addressed.

Council Member Bailey stated that people in the crosswalk have the right of way and suggested an additional patrol in the area for a short time.

Public Works Director Burshten stated that he would review this issue and update the Council.

Council Member Bailey asked for an update on the gas station located at Hallmark.

Community Development Director Blin stated that they are about ready to issue the permit noting that they have until October 24, 2005 for the conditional use permit to still be valid. He stated that they would have six months to begin construction once the permit has been issued.

PAY BILLS

MOTION BY BIGHAM, SECONDED BY BAILEY, TO APPROVE PAYMENT OF CHECK NUMBERS 141949 THROUGH 142114 TOTALING \$434,554.83. (CHECKS 141949 – 141972 IN THE AMOUNT OF \$68,962.20 ISSUED PRIOR TO COUNCIL APPROVAL.)
MOTION CARRIED 4-0.

WORKSHOP SESSION – OPEN

A. Street Naming Policy – East Ravine Area

Community Development Director Blin stated that in 2004 the City Council reviewed the various methods that have been used for naming streets in Cottage Grove. He stated that to provide consistency in street names, it is recommended that the County system be used for most street names in the East Ravine area. He noted that most east-west streets would be numbered, with north-south streets following the alphabetical system. He noted that some exceptions would be made, such as for the Ravine Parkway. He stated that when the West Draw area was opened for development a decision was made to go with distinct names in this area. He explained that this was decided because they would be distinctive and memorable. He stated that one of the problems with this is that they do not have a logical order and it can become very difficult for an emergency response team to navigate through the area. He stated that given this concern a determination was made that as they move into the East Ravine the City would revert back to the County Grid System. He stated that the Council should also consider whether to name streets after farm families in the area. He stated that this approach was recommended by the Planning Commission on the proposed Biscoe Grove Subdivision, which will be considered at the October 19th Council meeting. He noted that it does have some advantages as it would tie the community back to its history but it moves away from the County Grid System. He stated that it would be helpful if the Council

could provide direction on whether this approach of using family names should be used in the East Ravine.

Council Member Bigham stated that she does not have a problem with naming one of the streets after the previous landowners adding that it is her belief that the County Grid System is the way to go for the rest of the area.

Council Member Bailey agreed stating that one of the biggest headaches is that you cannot get on one road and run it to the other end of town. He stated that also there are too many similar names and it does get confusing. He suggested naming a neighborhood park for the previous landowner versus naming a street. He noted that they keep calling it the East Ravine Parkway and asked if this is going to be the name.

City Administrator Schroeder confirmed that this is the name that is being proposed adding that no decisions have been made yet.

Mayor Pro Tem Grossklaus referenced Council Member Bailey's suggestion to name a park after the previous landowners stating that he agrees with that idea. He stated that he would prefer to keep the streets within the County Grid System. He stated that one of his concerns is the length of a name noting that the City has had to go to larger signs because of the length of some City street names.

City Engineer Levitt confirmed noting that the maximum number of character is 10 characters.

Council Member Rice stated that he too agrees with the County Grid System.

WORKSHOP SESSION – CLOSED

NONE

ADJOURNMENT

MOTION BY BIGHAM, SECONDED BY RICE, TO ADJOURN THE MEETING AT 8:55 P.M.
MOTION CARRIED 4-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.