

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

October 19, 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 Pro Tem Mark Grossklaus 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
Craig Woolery, Deputy Public Safety Director
Les Burshten, Public Works Director
Corrine Thomson, City Attorney

Not Present: Mayor Sandy Shiely

Gary Gaver, 8758 Indian Blvd. So., stated that he wishes to address the Council regarding a prairie restoration project planned for the power line trail way corridor located north of Indian Boulevard. He stated that he is here on behalf of 135 persons who have signed a one-page petition, which is attached to and made a part of the original minutes. Mr. Gaver stated that plans for the prairie restoration project was brought to the Cottage Grove City Council in the form of a resolution on February 2, 2005 by the Parks and Public Works Departments and was approved by Council on March 16, 2005. He stated that the residents who own property adjacent to the Xcel Energy power line corridor were informed by a letter dated September 22, 2005 that the project was due to begin approximately October 1, 2205. He expressed frustration stating that there has been no further communication with the property owners, adjacent neighborhoods, or the community as a whole. He stated that affected property owners, as well as residents and adjoining neighborhoods, are concerned about the impact that the project would have on open space, which offers a rural setting; a buffer between housing developments; and has multi-uses for many people. Gaver stated that many of the residents enjoy the aesthetics in its current state, which includes an asphalt trail. He stated that it does not have to be a typical park setting or prairie setting to achieve ecological significance.

Mr. Gaver explained that the residents concerns include lack of communication; project has been presented as a done deal; location of a prairie is more appropriate in wide open spaces, not residential areas. He noted that additional environmental concerns include plant herbicide use; controlled burning; and allergies; noting that some of the plant species on the seed list include goldenrod and milkweed. He expressed concerns for the safety of children using the asphalt path noting that several of the plant species can grow as tall as 8-feet.

Mr. Gaver stated that the residents are also concerned about rules that would restrict the current use of the area including 'no pets allowed' restrictions as seen on DNR signs at other locations; the restriction of off path activities enjoyed by children and adults including cross country skiing and spontaneous family sports. He stated that the residents are also concerned that there would be an increased varmint population adding that one of the reasons the residents mow into the area is to provide an environment buffer.

Mr. Gaver stated that the residents are also concerned about the length of time the prairie would take to establish itself noting that it could take years, even decades. He stated that they are also concerned about the forms of maintenance after the initial planting noting that methods of weed control could include burning in residential areas. He asked about funding for the project, now and in the future, and asked if it would include higher taxes.

Mr. Gaver stated that in closing the residents are asking Council to re-address this project plan and that property owners be allowed to participate in the decisions affecting usage of the current open space. He provided Council with copies of the petition and request for their review. He noted that several of the residents have visited the Grey Cloud Dunes Prairie Restoration area and have taken pictures of the signage as examples. He stated that the resident have also met with the City to discuss their issues and concerns.

Gaver stated that they have also done some internet research on the particular seed species provided on the list and prairie space in general adding that the majority of the residents along the corridor would like the current space to remain as is, however, if changes occur please take their concerns into consideration, with some compromise that would be agreeable to residents using the trailway corridor. He urged the Council to act quickly due to the imminent plan to spray the area and kill the existing grasses. He stated that this would destroy what is currently there.

Ryan Case stated that he is the local Metropolitan Affairs Specialist for the Builders Association of the Twin Cities, which is part of the Parade of Homes. He explained that as part of their outreach to local Councils he is present this evening to introduce himself to the Council and to let the Council know that they are here as a resource to the City. He further explained that they represent builders across the metropolitan area and that they want to see a growing and vibrant Cottage Grove.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota held a regular meeting on Wednesday, October 19, 2005, at the Cottage Grove City Hall, 7516 80th Street South. Mayor Pro Tem Mark Grossklaus 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
Craig Woolery, Deputy Public Safety Director
Les Burshten, Public Works Director
Corrine Thomson, City Attorney

Not Present: Mayor Sandy Shiely

ADOPTION OF AGENDA

City Administrator Schroeder stated that Item 8.C, Consider Rezoning of approximately 123 acres of Land located Southeast of the 100th Street and Lehigh Road Intersection from AG-1, Agricultural Preservation, to R-1, Rural Residential, and a Preliminary Plat for Biscoe Grove to develop 39 Rural Estate Lots, has been pulled from the agenda and is tentatively set for the November 16, 2005 Regular Meeting.

MOTION BY BAILEY, SECONDED BY RICE, TO APPROVE THE AGENDA AS AMENDED.
MOTION CARRIED 4-0.

PRESENTATIONS

A. Conduct Swearing in Ceremony for new Officer Gena Schill

Mayor Pro Tem Mark Grossklaus asked the City Administrator and City Council to come forward for the swearing in ceremony for Police Officer Gena Schill.

City Administrator Schroeder provided Council with a brief history and performed the swearing in ceremony for Officer Gena Schill. He asked her Grandfather, Wayne Edwards, to come forward to present Officer Schill with her badge.

Deputy Public Safety Director Woolery stated that Officer Gena Schill just took the oath of office to become a Peace Officer for the City of Cottage Grove. He explained that when she raised her hand to take this oath it meant a lot more than the words spoken. He stated that

the badge and uniform are a symbol of public faith; that she has sworn to never betray that badge, her integrity, her character or the public trust. He explained that her character is what defines her as an individual and her integrity is in being the same person both publicly and privately. He stated that she must always have courage to hold herself accountable for her actions as well as for others. He stated that this job is very unique noting that it is one of the most noble and selfless occupations that we can do today. He stated that there are not many jobs available to provide an individual with the opportunity to serve and make peoples lives better. He stated that it is a public service position that is very rewarding. He congratulated Officer Schill and welcomed her to the City of Cottage Grove.

APPROVAL OF MINUTES

A. September 7, 2005 Regular Meeting.

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

CONSENT CALENDAR

Council Member Bigham asked to pull Items 4D, 4G, and 4H. She combined Items 4D and 4G stating that she would like to thank 3M for their donation of \$1,000.00 to the S.T.O.C.K. program for the purchase of supplies and equipment. She stated that she would also like to thank the Cottage Grove Athletic Association for their donation of field paint, valued at \$2,849.50, to be used to paint and line fields for youth sports.

Council Member Bigham referenced Item 4H, adoption of a resolution authorizing the City of Cottage Grove's participation in an All Hazard planning process with the State of Minnesota Department of Human Services, State of Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management and Washington County, and asked Deputy Public Safety Director Woolery to clarify the agreement.

Deputy Public Safety Director Woolery explained that for a number of years, the City of Cottage Grove Armory has been designated as a primary reception site to handle the evacuees from an incident occurring at the Prairie Island Nuclear generating plant. He further explained that every two (2) years the Cottage Grove Police, Fire, EMS and Public Works Department participate in a drill along with other state, county and Prairie Island personnel in handling evacuees from a nuclear generating plant emergency. He stated that all participants in the exercise, including the City of Cottage Grove, are fully reimbursed for the training drills. The agreement lays out the roles and responsibilities for all participants should the Cottage Grove reception center be activated. He stated pre-planning a coordinated regional response at all levels of the government is essential noting that the training helps everyone involved understand what is expected should an event ever occur.

MOTION BY BIGHAM, SECONDED BY RICE, TO:

A. ACCEPT AND PLACE ON FILE THE FOLLOWING MEETING MINUTES:

- i. PARKS, RECREATION AND NATURAL RESOURCES COMMISSION OF SEPTEMBER 12, 2005.
 - ii. ECONOMIC DEVELOPMENT AUTHORITY, JULY THROUGH SEPTEMBER 2005.
 - iii. HUMAN SERVICES/HUMAN RIGHTS COMMISSION; JUNE THROUGH SEPTEMBER 2005.
 - iv. PUBLIC SAFETY, HEALTH AND WELFARE COMMISSION FOR JULY 19, 2005.
- B. APPROVE THE 2006 CURRENCY EXCHANGE LICENSE RENEWAL APPLICATION THROUGH THE MINNESOTA DEPARTMENT OF COMMERCE FOR TINA LUYMES, DBA/IN CONCERT, LOCATED AT 7280 EAST POINT DOUGLAS ROAD.
- C. ADOPT **ORDINANCE NO. 779**, AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA, AMENDING TITLE 6, CHAPTER 7 OF THE COTTAGE GROVE CITY CODE RELATING TO RECREATIONAL MOTOR VEHICLES.
- D. ADOPT **RESOLUTION NO. 05-177**, A RESOLUTION ACCEPTING DONATION OF MONEY TO THE CITY OF COTTAGE GROVE FOR THE S.TO.C.K. PROGRAM.
- E. APPROVE CHANGE ORDER #1 FOR THE SUMMERHILL CROSSING PROJECT.
- F. APPROVE CHANGE ORDER #1 FOR THE PINECLIFF 1ST ADDITION PROJECT.
- G. ADOPT **RESOLUTION NO. 05-178**, A RESOLUTION ACCEPTING DONATION FROM THE COTTAGE GROVE ATHLETIC ASSOCIATION; REC. SOCCER (\$1,100.00); TRAVELING SOCCER (\$1,150.00); FOOTBALL (\$599.50); FOR FIELD PAINT FOR USE BY COTTAGE GROVE PARKS DEPARTMENT.
- H. ADOPT **RESOLUTION NO. 05-179**, A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE STATE OF MINNESOTA, DEPARTMENT OF HUMAN SERVICES (DHS); STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY (DPT); DIVISION OF HOMELAND SECURITY AND EVERGENCY MANAGEMENT (HSEM); CITY OF COTTAGE GROVE AND WASHINGTON COUNTY.
- I. ADOPT **RESOLUTION NO. 05-180**, A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE INSTALLATION OF 12 PANEL ANTENNAS ON THE CITY'S WATER TOWER AT 6950 MEADOW GRASS AVENUE SOUTH.
- J. ADOPT **RESOLUTION NO. 05-181**, A RESOLUTION APPROVING A SIMPLE LOT DIVISION TO SUBDIVIDE A 2.4-ACRE PARCEL OF LAND INTO TWO PARCELS OF 1.5 ACRES AND A.9 ACRE AT 7003 GOODVIEW AVENUE SOUTH.
- K. APPROVE THE ISSUANCE OF A TEMPORARY ARCHERY HUNTING PERMIT TO ROBERT JUCKEL OF 8451 110TH STREET TO ALLOW ARCHERY HUNTING ON HIS PROPERTY FOR THE 2005 ARCHERY SEASON, WHICH WOULD BE NOW UNTIL DECEMBER 31, 2005.
- L. ADOPT **RESOLUTION NO. 05-182**, A RESOLUTION ADOPTING ASSESSMENT ROLL FOR THE ORNAMENTAL FENCE.

MOTION CARRIED 4-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

NONE

PUBLIC HEARINGS

NONE

BID AWARDS

NONE

UNFINISHED AND NEW BUSINESS

- A. Consider a Zoning Text Amendment to the Minimum Setback Requirements in the I-2, General Industry Section.

Community Development Director Blin stated that this request is for a zoning text amendment to change the setbacks in the industrial zoning district. He explained that the current setbacks are for structures located within 150 feet from residential property lines but only 35-feet from parking areas. He further explained that this amendment changes so that it would be 100-feet for both buildings and parking areas. He stated that it pushes parking areas further away from property lines and it allows buildings to move somewhat closer to property lines. He explained that the rationale for this change is that when considering impacts in the industrial areas it is less the building than it is the parking and loading areas that would have impacts on residential areas. He stated that the idea is to provide a greater green strip between the residential and industrial developments. He explained that it would provide more of a setback to the residential areas by moving the loading docks and parking areas to the sides of a building. He indicated that the amendment would probably affect the industrial areas on the west side the most. Blin stated that a neighborhood meeting was held when the amendment was first proposed noting that only three individuals attended the neighborhood meeting. He stated that the comments received from the individuals were that they would prefer that the area remain undeveloped forever, however, they also acknowledged that this wasn't going to happen. He stated that they also indicated that they generally thought that the change in the setbacks and the greater green strip would be a good idea. He stated that the Planning Commission has reviewed and unanimously recommends approval. He stated that the affect of this zoning ordinance text amendment would be to change the setbacks from 150-feet for structures and 35-feet for paved areas to 100-feet for both.

Council Member Bigham asked where they propose to make up for the parking areas for these businesses.

Community Development Director Blin explained that the parking, as shown in the drawing, would either be pushed to the sides of buildings or the building would have to be pushed back and the parking would still be 100-feet. He stated that if parking is located in the rear of the building it would be further from the property line than what is currently allowed, which is 65-feet further away from the property lines. He stated that it would also allow them to do an extensive landscaping program on the rear of the buildings.

Council Member Bigham clarified that they are not proposing to change anything with the required number of parking spaces for businesses that are required to accommodate employee parking.

Community Development Director Blin explained that the businesses would have to maintain the same number of required parking spaces but the location of the parking would have to be pushed further away from the property line.

Mayor Pro Tem Grossklaus referenced the buffer zone and proposed landscaping and asked what kind of landscaping would generally be placed in an area like this.

Community Development Director Blin stated that it would depend on the topography noting that in this area there is a fairly extensive row of trees that exists in the back. He stated that they also plan to provide more earth berms with additional landscaping that would provide a break in visibility of those areas. He stated that typically they use a lot of spruce trees and evergreen plantings to provide a visual barrier.

MOTION BY RICE, SECOND BY BAILEY, TO ADOPT **ORDINANCE NO. 780**, AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA, AMENDING TITLE 11-3-9(D)(6)(d); LOCATION OF PARKING FACILITIES AND 11-11-4; DEVELOPMENT STANDARDS FOR THE 12, GENERAL INDUSTRIAL DISTRICT OF THE COTTAGE GROVE CITY CODES. MOTION CARRIED 5-0.

- B. 1. Consider Adopting a Resolution increasing Water Rates \$0.15 and Sewer Rates \$0.05, Effective January 1, 2006.
2. Consider Adopting a Resolution Amending the 2006 Preliminary Budgets for the Utility Funds to Reflect these Rate Increases and Changes to Expenses, as proposed.

Finance and Administrative Services Director Hedberg stated that Staff presented the preliminary budgets this past summer during the Budget Work Sessions with Council noting that this evening Staff is amending the budgets. He explained that at the time of the Budget Work Sessions the rate calculations had not been completed. He clarified that it is not that they are adjusting the rates and then filling in with the budget; they are adjusting the budget and amending the rates to provide for that budget.

Finance and Administrative Services Director Hedberg provided Council with an overview of the changes that include: adjustments to the General Fund for insurance charges; adjustments to Workers Compensation Interfund Charge for Workers Compensation Insurance and an increase to the fuel budget, which will hopefully be enough to cover 2006. He stated that they made an adjustment to the administrative charge that is charged to the Water Fund noting that the number in the amended budget is the number needed to match the General Fund. He stated that the charge from the Metropolitan Council for sewer treatment charges increased noting that the final rates came in higher than the preliminary estimates. He stated that they also adjusted the utility charges in the Street Light Fund by an additional \$19,000.00. He referenced the Storm Water Fund stating that there were some

positions requested that were not approved and explained that the amended preliminary budget would still leave those positions out but would bring back the professional and contractual services that are needed to perform some of the maintenance activities that match the Storm Water Utility Plan that Council adopted last spring. He stated that Staff is not recommending any changes to the rates in the Street Light Fund or the Storm Water Fund but Staff does need to consider increasing the water rates in the Water Fund to \$0.15 per thousand gallons and \$0.05 per thousand gallons in the Sewer Fund. He reviewed the larger items to be replaced with Council and provided Council with an overview and history of the utility rates in Cottage Grove. He reviewed the process used stating that they always do a comparison to other Cities when considering a rate change and provided Council with an example of the impact the proposed changes would have on an average bill. He explained that the philosophy behind this type of rate structure is to encourage conservation due to the escalating rates. He reviewed average water and sewer consumption with Council noting that there is also a street light maintenance fee. He stated that water would go up 10.5-percent and sewer would increase 2.5-percent, in total an average bill would increase from \$97.00 per quarter to \$101.65, which is approximately a 5-percent increase for the total bill.

Council Member Bigham referenced the Street Light Fund, poles for 80th Street and clarified that it was her understanding that the manufacturer was going to replace the poles that are still under warranty.

Finance and Administrative Services Director Hedberg confirmed that there is a warranty but there are still charges the City has to pay. He explained that the manufacturer would provide a pole at a prorated amount but the City would have to pay for the installation.

MOTION BY BIGHAM, SECONDED BY BAILEY, TO ADOPT **RESOLUTION NO. 05-183**, A RESOLUTION ESTABLISHING RATES FOR THE USE OF WATER FURNISHED AND FOR THE USE OF SANITARY SEWER SYSTEM AND OTHER RULES OR REGULATIONS PERTAINING TO THE BILLING THEREOF: REPEALING RESOLUTION NO. 05-007. MOTION CARRIED 4-0.

MOTION BY BAILEY, SECOND BY RICE, TO ADOPT **RESOLUTION NO. 05-184**, A RESOLUTION AMENDING THE PROPOSED 2006 BUDGET FOR THE CITY OF COTTAGE GROVE. MOTION CARRIED 4-0.

C. Consider Rezoning Approximately 123 Acres of Land Located Southeast of the 100th Street and Lehigh Road Intersection from AG-1, Agricultural Preservation, to R-1, Rural Residential, and a Preliminary Plat for Biscoe Grove to Develop 39 Rural Estate Lots.

ITEM PULLED FROM AGENDA AND TO BE PRESENTED AT THE NOVEMBER 16, 2005 REGULAR MEETING.

D. Receive Information on the Process on Certifying Unpaid Utility Accounts.

Finance and Administrative Services Director Hedberg stated that the City is preparing to send out notification for unpaid and delinquent utility bills. He explained that the City is tightening the rules and reviewed the process with Council. He stated that a letter would be sent to the property owners outlining the amount that is past due and delinquent. He explained that the letter would also clarify that the past due amount would have to be paid by December 1, 2005 and if not paid by that date, would then be certified to the property taxes and be collected, along with the property taxes in the year 2006.

Finance and Administrative Services Director Hedberg provided Council with a brief overview of the criteria used stating that Staff expects to issue approximately 1,100 notices, with just under 10,000 customers. He pointed out to Council that the criteria used, which is to use any balance that is greater than the 90-days, would impact a number of rural customers for storm water fees that have not paid their bills for the last year. He stated that if approved, approximately 96 rural customers would be included in this process and are hereby put on notice that this is coming. He acknowledged that the criteria is more aggressive than those used in the past adding that this process would likely generate many more calls than usual to Staff and probably also to City Council members.

Mayor Pro Tem Grossklaus stated that he does not have any problems with this proposal. He asked how much of the stormwater charge would be for a rural resident and is it a specific fee.

Finance and Administrative Services Director Hedberg stated that it used to be \$21.00 for lots under an acre and a half and \$16.00 per year over that. He stated that they have increased the rates to up to \$40.00 per year for the one and half acre lots.

Council Member Rice stated he agrees with the proposed increase stating that people have to pay their bills on time. He expressed concerns stating that this is something the entire City is involved in because it affects the frontage, ditches and their property.

Finance and Administrative Services Director Hedberg stated that this would be back before Council for consideration at the second regular meeting in December.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

A. Response to Council regarding Sequencing of the Traffic Signal at 80th Street and Hinton Avenue.

Mayor Pro Tem Grossklaus acknowledged receipt of the information and response regarding the sequencing of the traffic signal at 80th Street and Hinton Avenue.

COUNCIL COMMENTS AND REQUESTS

Council Member Rice stated that there is a parade scheduled for next Saturday, October 29, 2005. He stated that information is available in the Bulletin noting that it is scheduled to start at 11:00 a.m. and will take place along East Point Douglas Road.

Council Member Bigham stated that Election Day is coming up in two weeks and encouraged the community to get out and vote.

Council Member Bailey stated that he recently found out that the City of Cottage Grove has some Firefighters that are scheduled to go to New Orleans. He explained that a request has been made to the City for some help and these individuals have volunteered 15 days of their time to help the people affected by the hurricane down south.

Council Member Bigham stated that Deputy Chief Beasley, Deputy Chief Leonard and Firefighter McDaniels are the individuals who have volunteered.

Mayor Pro Tem Grossklaus stated that he would like to thank the Cottage Grove Fire Department for their Open House on October 13, 2005 noting that the children really enjoyed all of the activities.

Mayor Pro Tem Grossklaus asked Public Works Director Burshten to provide the Council with an update on the upcoming Storm Water projects.

City Administrator Schroeder stated that Staff could provide the information adding that the entire Capital Improvements Program would be coming soon for Council review.

Mayor Pro Tem Grossklaus reminded citizens not to put leaves in the street. He explained that the Public Works department does not come around and pick up the leaves and asked citizens to remember this when doing their fall yard cleanup.

Council Member Bigham reminded citizens that the Street Parking ordinance goes into affect on October 1, 2005.

PAY BILLS

MOTION BY RICE, SECONDED BY BAILEY, TO APPROVE PAYMENT OF CHECK NUMBERS 142115 THROUGH 142340 TOTALING \$1,637,503.92. (CHECKS 142115 – 142153 IN THE AMOUNT OF \$213,411.86 ISSUED PRIOR TO COUNCIL APPROVAL.)
MOTION CARRIED 5-0.

WORKSHOP SESSION – OPEN

NONE

WORKSHOP SESSION – CLOSED

NONE

ADJOURNMENT

MOTION BY RICE, SECONDED BY BAILEY, TO ADJOURN THE MEETING AT 8:20 P.M.
MOTION CARRIED 4-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.