

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

December 7, 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
Caron Stransky, City Clerk

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, December 7, 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
Caron Stransky, City Clerk

ADOPTION OF AGENDA

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

PRESENTATIONS

A. Lower St. Croix WMO.

Pat Conrad, Representing Lower St. Croix Water Management Organization, provided Council with a brief update on the Lower St. Croix Watershed Management Organization and the Watershed Management Plan. He reviewed City coverage noting that each City is represented by the City Manager. He provided Council with an overview of the Watershed District map, organizational structure and purpose. He reviewed the outcomes of the 1999 Water Governance Study with Council noting that the number one criteria identified from the study is that each City would be required to have a current, up to date BWSR approved Watershed Management plan. He provided an overview of the implementation plan noting that it includes: general Watershed projects and programs; Watershed-wide Implementation activities; and Rule Development. He explained that the goal is to prevent degradation and improve the quality of watershed resources. He stated that they are here to ask Council for their participation in the process noting that the Rule Development Steering Committee needs Community Technical Advisors, Community Staff and elected Official involvement and support. He asked Council to authorize the participation of the Economic Development Authority Director.

Council Member Bigham asked if the committee would address all of the different fees. Mr. Conrad confirmed stating that their goal is to identify the gaps and determine how everything would fit into the process.

Mayor Shiely recognized Cheryl Kohls and Bob Eddy and thanked them for participating and representing the City of Cottage Grove on the WMO.

Mayor Shiely asked how they plan to get things done that would address watershed issues in a variety of communities. Mr. Conrad explained that they are in their infancy and have not identified any contingencies yet. He stated that there has been a real spirit of cooperation amongst the managers adding that they recognize that there are issues that could affect all cities.

Cheryl Kohls, Watershed Board Member, noted that there have been several issues identified and discussed amongst the communities. She provided the Council with an overview of the

process and discussions. She stated that having the City Engineers and Community Development Directors involved would help to head-off any problems before they happen.

City Administrator Schroeder asked if they are asking Council to appoint a representative at this time. Mr. Conrad stated that right now they are only asking for Council's support and acknowledgement.

City Administrator Schroeder stated that they just received a budget adding that this could be included for discussion on the next agenda.

APPROVAL OF MINUTES

A. August 3, 2005 Special Meeting

Mayor Shiely stated that the minutes stand approved as presented.

B. August 17, 2005 Special Meeting

Mayor Shiely stated that the minutes stand approved as presented.

CONSENT CALENDAR

Council Member Bigham asked to pull Item 4E, a donation from Merchants Bank; Item 4F, results of the Tobacco Compliance Check conducted on November 8, 2005; and Item 4G, a donation of two used Motorola radios from 3M. She stated that she would like to acknowledge and thank Merchants Bank and 3M for their donations. She referenced Item 4F noting that this was the second violation in a 24-month period for all three businesses and asked if the compliance check is done on an annual basis.

City Clerk Stransky explained that the Police Department conducts compliance checks twice a year and reviewed the process with Council.

Council Member Bigham stated that she feels that the \$200 fine for a second violation is too low and asked the City Clerk to research how other Cities handle tobacco compliance and fees.

MOTION BY RICE, SECONDED BY BIGHAM, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - i. PARKS, RECREATION AND NATURAL RESOURCES COMMISSION OF OCTOBER 10, 2005.
 - ii. PLANNING COMMISSION OF OCTOBER 24, 2005.
 - iii. PUBLIC WORKS COMMISSION OF SEPTEMBER 12, 2005.
 - iv. ECONOMIC DEVELOPMENT AUTHORITY OF OCTOBER 11, 2005.
- B. ACCEPT A \$338.00 CERTIFIED LOCAL GOVERNMENT GRANT FROM THE MINNESOTA HISTORICAL SOCIETY.

- C. ACCEPT THE RESIGNATION OF ROBERT SEVERSON FROM THE PLANNING COMMISSION AND AUTHORIZE THE PROCESS OF APPOINTING A NEW MEMBER TO FILL THE REMAINDER OF MR. SEVERSON'S UNEXPIRED TERM.
- D. ADOPT **RESOLUTION NO. 05-197** AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR THE PURCHASE OF A CAMERA SURVEILLANCE SYSTEM AND TWO ALL TERRAIN VEHICLES AND TRAILER.
- E. ADOPT **RESOLUTION NO. 05-198** ACCEPTING DONATION FROM MERCHANTS BANK FOR THE COTTAGE GROVE RECREATION DEPARTMENT AND TEENS IN ACTION'S MEDALLION HUNT.
- F. RECEIVE RESULTS OF THE TOBACCO COMPLIANCE CHECK CONDUCTED AT 19 LICENSED ESTABLISHMENTS ON NOVEMBER 8, 2005.
- G. ADOPT **RESOLUTION NO. 05-199** ACCEPTING DONATION OF TWO PORTABLE VHF RADIOS TO THE CITY OF COTTAGE GROVE PUBLIC SAFETY DEPARTMENT.
- H. APPROVE CHANGE ORDER #3 FOR THE 65TH STREET WATER MAIN PROJECT.
- I. AUTHORIZE STAFF TO ENTER INTO A FOUR (4) YEAR LEASE FOR 75 GOLF CARTS WITH A \$500/CART BUYOUT AT END OF LEASE WITH CLUB CAR INCORPORATED.
- J. AUTHORIZE STAFF TO ENTER INTO A FIVE (5) YEAR LEASE FOR A TORO ROUGH MOWER 4100 WITH A \$1 BUYOUT AT END OF LEASE WITH MTI.
- K. APPROVE THE BONESTROO, ROSENE, ANDERLIK AND ASSOCIATES, INC. 2006 RATE SCHEDULE.
- L. APPROVE THE PURCHASE OF TWO NEW DODGE PICKUPS FROM NELSON DODGE-GMC FOR A TOTAL PURCHASE PRICE OF \$45,609.06.
- M. ADOPT **RESOLUTION NO. 05-200** APPROVING THE FEASIBILITY REPORT, ORDERING THE PROJECT AND AUTHORIZING THE PLANS AND SPECIFICATIONS FOR THE 97TH STREET EXTENSION UTILITY AND STREET IMPROVEMENT PROJECT.
- N. APPROVE THE LEASE AGREEMENT WITH NEXTEL WEST CORPORATION FOR THE INSTALLATION OF 12 ANTENNAS AND ASSOCIATED EQUIPMENT AT THE WEST DRAW WATER TOWER LOCATED AT 6950 MEADOW GRASS AVENUE.
- O. APPROVE THE LABOR AGREEMENT BETWEEN THE CITY OF COTTAGE GROVE AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 49.

MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

NONE

PUBLIC HEARINGS

A. Hold the Public Hearing and Consider Authorizing Issuance of an Off-Sale Intoxicating Liquor License to International Odyssey LLC/DBA Cottage Grove Liquors, 8800 East Point Douglas Road.

City Clerk Stransky stated the International Odyssey, LLC has applied for an Off-Sale Intoxicating Liquor License for a new liquor store to be known as Cottage Grove Liquors, located at 8800 East Point Douglas Road. She stated that the sole officer of the corporation, Tyrone B. Daniels, has undergone the required police background investigation; City Attorney Thomson has reviewed the investigative report and found no facts that would constitute a basis for denial of the application. She stated that the police report is attached along with the financial analysis that was completed by Finance and Administrative Services Director Hedberg.

Mayor Shiely opened the public hearing at 7:50 p.m.

Mayor Shiely closed the public hearing at 7:51 p.m.

Council Member Bigham stated that her only concern is the name of the liquor store. She stated that there are already plenty of Cities with municipal liquor stores and suggested changing the name if this is not a City run liquor store.

Mayor Shiely clarified that this is not a municipal store.

MOTION BY GROSSKLAUS, SECOND BY RICE, TO AUTHORIZE THE ISSUANCE OF AN OFF-SALE INTOXICATING LIQUOR LICENSE TO INTERNATIONAL ODYSSEY LLC/DBA COTTAGE GROVE LIQUORS, 8800 EAST POINT DOUGLAS ROAD. MOTION CARRIED 5-0.

BID AWARDS

NONE

UNFINISHED AND NEW BUSINESS

A. Consider Approving a Site Plan Review of the proposed Graphic Resources Building to be located in the Industrial Park.

Community Development Director Blin stated that Vanguard Construction, Inc. has submitted a site plan review application to construct a 25,196 square foot building on a three-acre parcel in the southwest corner of the industrial park. He explained that the project is located north of 100th Street, west of 97th Street and east of a residential subdivision known as DeGardner's First Addition. He stated that one of the key items is screening noting that the applicant is required to include berming and screening from the residential areas. He stated that there would also be landscaping along 100th Street and 97th Street noting that the site meets all City requirements for parking.

Council Member Rice asked how many individuals are employed with the company. Mr. Moss stated that Graphic Resources currently has 17 employees with room for growth.

Mayor Shiely stated that she feels this would be a good use for this location noting that it would fit well with the neighborhood.

Council Member Rice asked for clarification on the hours of operation. Mr. Moss clarified that the hours of operation would be from 7:00 a.m. to 6:00 p.m.

Council Member Bigham referenced the proposed location of the business and asked why there and not next to American AgCo.

City Administrator Schroeder explained that the site adjacent to AgCo is just under 700-feet and the building would not have fit properly on the lot. He reviewed the height of the building with Council noting that the distance along 97th Street is set up for buildings of this size within the Industrial Park. He explained that the Industrial Park has always been developed within three different tiers adding that if he were to pick a use for this alignment this would be the perfect site for it. He provided Council with a brief overview of each site.

Council Member Bigham asked if the City is using TIF money specifically set aside for the district. City Administrator Schroeder confirmed that the road construction would be paid for using TIF funds and reviewed with Council.

Mayor Shiely asked if the exterior of the building would look similar to other buildings in the area. Mr. Moss confirmed and reviewed the proposed materials with Council.

Council Member Bailey agreed that this would be a good use of the property and thanked the owners for doing such a good job in designing the building.

MOTION BY BAILEY, SECOND BY RICE, TO ADOPT **RESOLUTION NO. 05-201** APPROVING A SITE PLAN REVIEW OF A 25,196 SQUARE FOOT BUILDING TO BE LOCATED IN THE INDUSTRIAL PARK NORTH OF 100TH STREET AND EAST OF DEGARDNERS 1ST ADDITION. MOTION CARRIED 5-0.

B. Consider Approval of a Conditional Use Permit to Allow a Fitness Facility, Anytime Fitness, to Operate at the Shoppes of Gateway at 7750 Harkness Avenue.

Community Development Director Blin stated that Erika Munger of Professional Fitness, LLC is requesting a conditional use permit to operate a fitness facility in the Shoppes at Gateway multi-tenant center located at 7750 Harkness Avenue. He stated that the owner is proposing to occupy 4,000 square feet of the 17,124 square foot retail center and provided Council with an overview of the exercise center facility. He stated that the facility would include all conventional types of exercise equipment, an exercise workout area, two restroom/shower rooms, two tanning rooms, one massage room, and a mechanical/storage room. He stated that the business hours would be 24-hours a day, seven days a week noting that customers would enter the facility through a locked door by using a membership card that unlocks the

entrance door. He stated that the facility would include eight security cameras and a closed circuit television system. He noted that a digital video recorder and computer system would be used to document all activity entering and leaving the facility.

Community Development Director Blin stated that the Planning Commission reviewed the request at their November 28, 2005 meeting and unanimously recommended approval of the conditional use permit. He noted that the Commission had questions concerning the security system adding that the applicant satisfactorily answered their questions. He stated that at the Public Safety Commission meeting on November 15, 2005 the Commission asked if automatic external defibrillators would be required; whether a telephone would be available; and who would verify the installation of a video surveillance system. He stated that it was clarified that defibrillator devices are not required and that a phone exists at the location, but is locked in the office area when no employees are on the premises. He stated that the Planning staff recommended approval of the application to the Planning Commission subject to conditions included in the draft resolution. He provided Council with an overview of the conditions.

Council Member Grossklaus clarified that it was a public safety concern that there would be access to a phone. Community Development Director Blin assured Council that a telephone would be available for use by all members.

Council Member Bigham noted that the current parking lot is already very cramped and expressed concerns that this business would only add further to the congestion.

Community Development Director Blin acknowledged that there were problems in the past with parking but many of the issues have been addressed. He indicated that other users would probably generate more traffic than this business and reviewed with Council.

MOTION BY GROSSKLAUS, SECOND BY BAILEY, TO ADOPT **RESOLUTION NO. 05-202** APPROVING A CONDITIONAL USE PERMIT TO ALLOW A FITNESS CENTER AT 7750 HARKNESS AVENUE SOUTH. MOTION CARRIED 4-1. (1 NAY-BIGHAM)

C. Receive Information on the Proposed I-5, Railroad Access Industrial Zoning District.

Community Development Director Blin stated that a Zoning Code text amendment is being proposed that would create a new I-5, Railroad Access Industrial Zoning District. He explained that within the district, open storage would be allowed as a conditional use noting that the amendment would prohibit open storage in all industrial districts other than the new I-5 district. He stated that no action is requested at this time adding that it is suggested that the Council review the information and take action on the Code amendment at the December 21, 2005 regular meeting.

Community Development Director Blin provided Council with a brief background stating that in July 2005 the City Council enacted a moratorium on all open storage uses in the industrial zoning districts noting that the moratorium expires at the end of December. He stated that the planning commission has been studying this issue to determine how to resolve it. One

identified solution was to tighten the code and outlaw any open storage, the other was to allow open storage in I-5 with controls and the third is to create a new zoning district that would allow open storage as a conditional use. He stated that the amendment would prohibit or restrict open storage in all other districts. The Planning Commission reviewed all options and recommend the I-5 district be amended into the current zoning code. The action before council at the next meeting is to amend the code to incorporate it into the City Code.

David Drier, Canadian Pacific Railway, provided Council with handouts. He explained that Canadian Pacific acquired the property in the late 1980's to support the railway business and accommodate future needs of the business. He stated that they occupy approximately one-third of the site noting that the remainder of the land has remained dormant. He indicated that they have been actively marketing the site for the last ten years noting that the requirements are that it would have to be something that would benefit and work well with the railroad business. He stated that the Lyman Lumber proposal was the first proposal they received that included a rail component and was willing to go through the effort to plan the property and come up with a good concept for use.

Council Member Bailey asked for further clarification of the expansion. Mr. Drier clarified that currently they have nothing in particular in mind noting that traffic at the yard is low right now. He assured Council that they would give all opportunities consideration.

Mayor Shiely asked where they at in their plans with respect to storm water management and whether they are required to follow Federal and State guidelines for water retention. Mr. Drier confirmed that they are required to follow Federal and State guidelines and reviewed the process with Council.

Council Member Rice asked them to soften the area with additional landscaping. He referenced lots 9 through 14 and asked if they are planning any potential rail access points behind these lots. Mr. Drier clarified that currently all tracks are behind lots 11 through 14 noting that any additional access points would require a specific need that is clarified. He stated that they could potentially add tracks along this area but it would be dependent on a specific need.

Mayor Shiely noted that the screening concerns have been addressed on three sides of the property but she is concerned about the view from Point Douglas Road and asked if they plan to provide any screening from the highway. Mr. Drier explained that providing adequate screening from all sides is one of the requirements outlined in the CUP and assured Council that this would be adhered to.

Council Member Grossklaus referenced the study stating that his biggest concern is the tax base. He stated that he would not be as concerned if another company was coming into the area. Mr. Drier assured Council that Lyman Lumber would help spur the development of another 40-acres, which is close to what they would like to see happen with the property. He indicated that he would be willing to sign a development agreement and explained that the reason they purchased the property is because of the I-5 zoning. He urged Council to discuss the zoning issues and concerns.

Mayor Shiely agreed with Council Member Grossklaus noting that the City does not stand to gain much from this as it is proposed. Mr. Drier assured Council that as soon as they subdivide the property they are subject to taxation and that as they market the land it would all go to the local tax rolls.

Mayor Shiely stated that she is also concerned that if Lyman Lumber finds another outdoor storage location that this proposal could change noting that part of the concern is that once Lyman gets the opportunity for outdoor storage she envisions that the property would remain vacant on the tax rolls.

Dale Carlson, Lyman Lumber, stated that Lyman Lumber is a 108-year old company that over the last 20-years has shown significant growth and are now in need of land that could accommodate this growth. He reviewed the elevation of the property stating that they are confident that the natural tree line would be high enough to provide a buffer for storage. He stated that this was one of the first concerns they discussed with Howard and Ryan and are now confident that the property would be high enough to address site line concerns. He stated that it is their plan that this would be their next site for growth and assured Council that this is the land they want to build their business on and grow in to. He stated that they also plan to relocate a division into Chanhassen and possibly bring a carpentry company to this location.

Mayor Shiely clarified that if Lyman Lumber does expand, their buildings would be subjected to the same standards and requirements currently in place at the Industrial Park. Community Development Director Blin confirmed that Lyman Lumber would be expected to comply with the current standards and requirements.

Mr. Carlson assured Council that they are aware of the current standards and requirements adding that Lyman Lumber plans to meet with Staff on December 8, 2005 to discuss the requirements. He stated that Lyman Lumber is looking forward to joining the business community and being a part of Cottage Grove.

Mayor Shiely clarified that the City would be allowing open storage and the usage of shed-type buildings for the open storage. Community Development Director Blin explained that the lumberyard plans to use unheated, shed-type buildings.

Council Member Bailey suggested that at some point in the future, Staff and Council should meet with Canadian Pacific Rail to discuss all of the issues and concerns further.

City Administrator Schroeder noted that for the last several months Canadian Pacific has said that they are open to discussing and addressing any issues the Council has. He stated that he would research further and update the Council.

D. Consider Issuance of a Multiple Animal License to Juan Rugel, to maintain Seven (7) Dogs at 9055 79th Street South, Cottage Grove.

Mayor Shiely stated that this is a request for Council to consider the issuance of a multiple-animal license to Juan Rugel to allow him to maintain seven dogs. She stated that she is concerned about how the City is still handling multiple-animal licensing issues. She stated that it is very frustrating knowing that for the last year the City has had a group of citizens working on an Ordinance Task Force, with the only issue being multiple-animal licensing, and the process has not been clearly defined yet. She stated that prior to the creation of the Task Force 99-percent of these issues were handled based on neighbor complaints and that it was her understanding that the Task Force intended to create a specific set of ordinances that would provide residents with specific guidelines that they would be expected to follow. She is concerned that what they actually want to do is keep the multiple-animal licensing issue completely based on the result of neighbor complaints. She asked if she is supposed to consider her decision based on whether an ordinance is being complied with or is she supposed to base it on the number of complaints the resident has received and if no one has complained is a resident then allowed to maintain seven or more dogs, or does the City enforce the ordinance. She disagreed with this process stating that it could potentially pit neighbors against neighbors. She stated that handling multiple-animal licensing based on complaints could cause considerable confusion and discontent and it is her belief that all citizens should be expected to abide by a City Ordinance that is clearly defined, not by the number of complaints received on an issue. She stated that it is her understanding that the ordinance was meant to avoid the complaints yet the City is still operating based on complaints.

Juan Rugel confirmed that he owns seven dogs. He stated that he was not aware of the ordinance noting that he has lived in the area for several years without a problem. He stated that he was unaware of the ordinance until neighbors filed a complaint noting that had he known he would have addressed the situation much sooner. He assured Council that it was his intent to comply with City Ordinance adding that neighbors should respect each other and try to work things out between themselves first before involving the City. He agreed that seven dogs is a lot and explained that all of the dogs are very small, indoor dogs. He assured Council that the dogs are never left outside for extended periods of time. He stated that three of his dogs were scheduled last week to be neutered and that he has puppies that are covered under a health plan that covers the first year of growth including the costs for neutering and spaying when they are old enough. He assured Council that he has done everything he should to be compliant with the ordinance.

Acting Public Safety Director Zurbey reviewed the enforcement process stating that the City Clerk forwards a letter to the Police Department requesting enforcement; the Police assign a CSO who is responsible for following up with the owner and ensuring that the owner has become compliant with the ordinance.

One of the residents asked if the required documents have been issued and asked for assurance that this would be followed up on. She stated that she goes to bed early and is very frustrated when she is awakened at 10:00 p.m. by barking dogs.

Karen Vasey stated that she resides in the home to the west of Mr. Rugel. She indicated that she has provided Council and Staff with copies of her concerns. She stated that all of the

dogs bark and it has gotten to the point where it is very excessive. She referenced Item 4, license expiration, and asked if it could be stipulated that the licenses would have to be renewed at the end of each year.

Council Member Bailey asked Mr. Rugel if the dogs are licensed. Mr. Rugel assured the Council that all of the dogs are licensed adding that ever since he received the complaint he has worked to do everything according to law including vaccinations and licensing.

Mayor Shiely asked Mr. Rugel if he has licensed all of his dogs every year. Mr. Rugel assured Council that he has licensed the dogs every year. City Clerk Stransky clarified that Mr. Rugel obtained 2005 licenses in October, after they were required to come in. She stated that they do not have any records prior to 2005 and does not know if the animals were licensed prior to 2005.

Mayor Shiely asked if they have neutered or spayed the three animals as outlined. Mr. Rugel confirmed that two of the animals were spayed and they are waiting on the third because the dog went into season and they cannot do surgery until the dog is done.

Council Member Rice reviewed the dogs and their ages with Mr. Rugel and asked if they have identified the dogs that would be removed. Mr. Rugel stated that they have not made a decision yet on which dogs would have to go noting that it has been a very difficult decision to make.

MOTION BY RICE, SECOND BY BIGHAM, TO APPROVE AND ACCEPT THE RECOMMENDATION OF PUBLIC SAFETY, HEALTH AND WELFARE COMMISSION AND AUTHORIZE JUAN RUGEL TO MAINTAIN ONLY FOUR (4) DOGS AT 9055 79TH STREET SOUTH, CONTINGENT UPON COMPLIANCE WITH THE FOLLOWING CONDITIONS: 1. THREE (3) ANIMALS MUST BE REMOVED FROM THE RESIDENCE BY JANUARY 7, 2006. 2. THE FOUR (4) REMAINING ANIMALS MUST BE NEUTERED OR SPAYED. 3. THAT THE NUMBER OF ANIMALS MAINTAINED BE REDUCED THROUGH ATTRITION TO THE REQUIRED NUMBER OF NO MORE THAN THREE (3) ANIMALS. THE APPLICANT CANNOT REPLACE ANY ANIMAL WITH A NEW ANIMAL. 4. EXPIRATION OF LICENSE: DECEMBER 31, 2006; CONTINGENT UPON COMPLIANCE WITH THE ATTRITION REQUIREMENTS. MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

A. Receive Information on Accessory Structure Survey.

Community Development Director Blin explained that this survey is in response to Council's request for staff to complete an analysis on detached accessory structures. He stated that a GIS study was completed utilizing 2002 photos obtained from the Washington County Surveyors office. He stated that it is a very comprehensive study and reviewed the overall results with Council.

COUNCIL COMMENTS AND REQUESTS

Council Member Grossklaus asked if the City provides new homeowners with a general information packet that includes outlines of the main City Codes, Rules and Regulations. He suggested that the City work to become more proactive in providing this information and in educating the residents. He asked if Staff has given any consideration as to how this information could be provided to new residents.

City Administrator Schroeder stated that the information is available to residents in a variety of formats including a brochure that is available at City Hall, via the City Website and through periodic postings in the Bulletin.

Public Works Director Burshten stated that at one time the City had a resident guide that was provided when they delivered recycling bins to new residents. He suggested working out a process that would provide this information to new residents when their garbage and recycling bins are delivered.

Mayor Shiely announced that the Holiday Train is scheduled to stop in Cottage Grove, at Belden Crossing, on Monday, December 12, 2005 between 6:00 p.m. to 6:50 p.m. She stated that the Holiday Train travels across the United States and Canada providing entertainment and helping local communities raise money for the local food shelves. She stated that this has become an annual community event and encouraged everyone to come out and welcome the Holiday Train to Cottage Grove.

PAY BILLS

MOTION BY BIGHAM, SECONDED BY RICE, TO APPROVE PAYMENT OF CHECK NUMBERS 142709 THROUGH 142935 TOTALING \$525,086.29. (CHECKS 142709 – 142750 IN THE AMOUNT OF \$171,431.56 ISSUED PRIOR TO COUNCIL APPROVAL.)
MOTION CARRIED 5-0.

Mayor Shiely called a break at 9:20 p.m.

Mayor Shiely called the meeting back to order at 9:27 p.m.

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

WORKSHOP SESSION – OPEN

A. Posavad Property Review

Community Development Director Blin stated that Pulte Homes recently submitted a sketch plan proposal for a low-density residential subdivision for a 120-acre piece of property located in the northwest corner of the West Draw. He stated that the applicant intends to process preliminary and final plat applications this winter for site grading and construction in 2006. He explained that the majority of the site is currently agricultural production noting that characteristics of the area include a variety of open fields, trees, wetlands and topographic deviation. He stated that this property was included in the recent 370-acre expansion of the MUSA and Land Use Amendment that was approved by Council and is currently being reviewed by the Metropolitan Council. He provided Council with an overview noting that the land is guided for low-density residential development and would require a rezoning prior to platting. He reviewed the submitted sketch plan stating that it includes 185 lots with a minimum lot width of 85 feet, which is consistent with the R-2.5 Residential Zoning District. He stated that the sketch plan also details a 24-acre public park, which would be consistent with the Comprehensive Plan. He stated that there would also be trail corridors that would continue the City's railway corridor in the West Draw and a private homeowners association-owned open space. He indicated that the two existing roadways that abut the property would require improvements noting that the City is currently discussing what the developer's cost responsibility would be for the improvements. He indicated that a portion would be used for park dedication noting that the City would deduct the wetland portion, as it should not be a part of the park dedication. He stated that there are two properties affected by this, Bailey's Nursery and a two-acre parcel along 65th Street that is not currently owned by the developer. He explained that if the developer does not acquire this parcel a ghost plat should be prepared to show how it could be subdivided in the future. He stated that the Planning Commission reviewed the sketch plan at their November 28, 2005 meeting and reviewed their comments with Council.

Corey Leper, Pulte Homes, stated that they have worked closely with City Staff on this proposal noting that their intent is to preserve and maintain the northeast portion of the property. He indicated that a trail system would be included that would benefit the neighborhood and community as a whole. He stated that Pulte is currently in talks with Bailey's Nursery, in addition to others who are interested in purchasing the property. He stated that it is Pulte's hope that they are able to acquire this property adding that they are looking for feedback and suggestions from the Council on the proposed site plan.

Council Member Bigham asked if the proposed number of trees included in the plan is correct and whether a timeline has been established. Mr. Leper confirmed that the number of trees included in the proposal is correct. Community Development Director Blin stated that the Council could expect to see the preliminary plat proposal in the Spring of 2006. Mr. Leper confirmed stating that it is their intent to build in 2006.

Council Member Bigam asked Mr. Leper and Pulte Homes to keep in mind the individuals and the surrounding properties that would be impacted by this development as they begin the construction process.

Council Member Rice agreed noting that there is a home located on the north side of 70th Street that has an entrance access point along the west lot line and asked that Pulte ensure that the entrance to their home is not crowded during construction.

Council Member Grossklaus stated that there is a trail that runs along 65th and asked if a trail would be installed near the middle school. Community Development Director Blin stated that the plan is to have a trail corridor that would lead up to the northwest corner of Highland Hills. He stated that they expect that the edge would have a bermed landscape, similar to the Highland Hills area. He stated that this area would eventually be known as the Ravine Parkway and Staff wants to continue the look through the entire area.

Council Member Rice asked Mr. Leper for a description of the home styles and price range. Mr. Leper stated that the home styles would be similar in design and square footage as the homes built in the Timber Ridge Addition

Council Member Bailey asked if there would be a trail installed connecting the wetland areas. He asked if a process was in place that would monitor usage of the park and stop outside areas from utilizing the park. Mr. Leper stated that Pulte would build and maintain the park but they would not police the area for outside usage.

Council Member Bailey asked if 65th would eventually become a City street. City Administrator Schroeder stated that the County has suggested possibly turning it back to the City but it was denied. He stated that they expect this subject to come back again for further research and discussion. Community Development Director Blin explained that the roadway would be improved to urban rural and the City would look to the developer for cost participation on Century and 65th.

Council Member Rice stated that an urban rural road would be sufficient for Century. Council Member Bailey agreed stating that he would be satisfied with urban rural as long as it includes additional berming and landscaping.

Council Member Grossklaus asked if fencing standards and requirements would be outlined and in place for Century and 65th. Community Development Director Blin confirmed that fencing standards and requirements would be in place noting that if fencing were allowed it would have to be in compliance and uniform with City requirements.

Council Member Bailey stated that when they get to the point of designing the area around the wetlands he would like to suggest that they consider including a dock access point that would allow visitors to observe the natural resources of the area.

A resident expressed concerns stating that he has not been in contact with anyone from Pulte in a long time with regards to sewer and utility. He asked if someone from the Council or Staff could get involved in the negotiation process.

Mayor Shiely clarified with the resident that his property would be grandfathered in if an agreement is not made with Pulte.

City Administrator Schroeder explained that a resident could exercise their right to subdivide or access city sewer and water, if not afforded the opportunity to connect the situation would be different. He stated that from the most conservative perspective, residents would not be looking at a lot of assessments if they are not included as a part of the development.

Mayor Shiely further clarified that sewer and water assessments would not kick in unless the resident decides to subdivide their property. She stated that residents could have some assessments from the development of 65th.

The resident expressed concerns stating that he feels like he is hanging out on a limb. He stated that it has been very difficult for him to get any information on the project. Community Development Director Blin stated that there isn't a lot of information available yet and assured him that Staff would provide him with information as soon as it becomes available.

Community Development Director Blin stated that the next step in the process would be Pulte's presentation of a preliminary plat for Council review. He stated that residents would be invited to review the plans and proposal at that time. He indicated that construction would begin, at the earliest, in mid-2006.

B. Aspen Grove Property Review

Community Development Director Blin stated that Tom Ott and Custom One Homes recently submitted a sketch plan proposal for a low-density residential subdivision for a 50-acre piece of property located in the southern portion of the West Draw. He stated that the applicant intends to process preliminary and final plat applications this winter for site grading and construction in 2006. He provided the Council with a brief overview of the site characteristics noting that it includes a variety of open fields, trees, steep bluffs and major topographic deviation. He stated that the property is not currently included in the MUSA adding that the subdivision of the property would require a land use and zoning amendment in addition to the MUSA expansion. He stated that the property is located in the review area of the Gateway master plan that was recently approved by Council noting that a potential plat layout was detailed in the plan. He stated that there is a private conservation easement on portions of the property that would be reappportioned as a result of a successful subdivision application. He explained that the areas in the private conservation easement would be dedicated to the City for public open space use. He stated that there is a system of trails that would be like the areas into Timber Ridge noting that this would all be worked out with the developer.

Mayor Shiely asked if the actual lots encompass the ravine itself. Community Development Director Blin explained that the actual lot lines would change considerably between now and

the preliminary plat and reviewed with Council. He stated that there is a concept for trail connections noting that they have not determined the locations of the trails at this time.

Mike Rygg, Custom One Homes, provided Council with a brief overview of the proposal. He stated that he has worked closely with Mr. Ott on the land trust issues noting that over the history of the property, three acres is open and where the road is currently located is the old farm path with new trees. He stated that they are very interested in working with the City to determine what would be needed for the park system. He provided Council with an overview of the park area, the park access points and possible trail connections. He stated that they are also working on the cul-de-sac design and identifying potential emergency access points that could also tie in with the trail system.

Mayor Shiely stated that she is concerned with the lot line projections on the east side and the potential for erosion. Mr. Ott reviewed the area with Council assuring them that most of the homes would have a ten-foot contour. Mr. Rygg stated that they would be doing minimal grading with the homes as they would like to try and stay with the natural grade as much as possible.

Council Member Bigham stated that the Parks Commission discussed the trail system and was very clear that they do not want any of the trail systems installed too close to residential areas. She stated that the Commission recommended a minimum of 85 feet noting that anything less would get too tight. She asked how large the cul-de-sacs would be noting that she is concerned about emergency access points. Mr. Rygg stated that currently all of the lots are shown at 85 feet, with a few possibly coming in at 100 feet. He stated that they are currently reviewing all of the options for access points and assured Council that they would comply with all public safety requirements.

Council Member Grossklaus stated that the lots could go narrower than the recommended 85 feet in some instances. Mr. Ott agreed noting that they would be able to offer a better variety of home styles with 85 feet.

Mayor Shiely stated that she is ok with 85 feet or higher but nothing lower. Council Member Bigham agreed.

Council Member Bailey stated that he does not have any problem with having some flexibility with the natural grade as long as they are careful with how they grade certain areas. He stated that he would like them to try to save as many of the trees as possible. He referenced the trail system stating that he would like to get as close as possible to a plan that is similar to the Gateway area. He stated that he would also like to see a connection included to Camels Hump Park.

Mayor Shiely suggested that they look for ways to preserve the history of the area with signage or some sort of monument for the area.

C. City Facilities

City Administrator Schroeder stated that Staff would like feedback and suggestions from Council with respect to the Public Safety/City Hall project. He stated that the Council had given Staff authorization to complete a space needs study for the proposed Public Safety/City Hall project that would include in-house work in addition to working with a consultant to refine the initial numbers. He explained that the Consultant/Architect would review and benchmark where other communities are and would provide a report that would suggest the facility needs in the future including costs. He asked Council to provide Staff with suggestions and direction for the architect. He asked Council if what Staff has done so far is reasonably close and should they finish the process or should it be amended and taken to the next step.

Mayor Shiely clarified that the financing would be included as part of the process. City Administrator Schroeder confirmed stating that it would be included under overall project costs.

Mayor Shiely stated that she feels the new City Hall is a vital and important project because most of the Staff is working in difficult and cramped quarters. She explained that it is her understanding that the intent for a new City Hall would be to improve the work area for City employees. She acknowledged that there is also a need to address the efficiencies adding that she also has concerns about privacy. She stated that the Council Chambers should be large enough to comfortably seat a large group adding that the building space should be utilized mainly to accommodate the employees.

Council Member Bigham stated that she agrees that the City is in need of a new City Hall due to growth but she does not believe that this proposal meets that need. She stated that adjustments should be made throughout including with the Council Chambers. She clarified that it is her understanding that this would be done with the intent to join the Public Safety Department with City Hall. She stated that with that, there is a huge need for privacy within the area designated for the Police Department, although she does not see any problems with both sides sharing the kitchen and restroom facilities.

Council Member Bailey agreed that there is a need for a new City Hall. He stated that they would also have to make a decision on where the Dispatch Center would be located, and include the costs for it and decide whether the City should move forward with their own versus joining with the 800 megahertz project. He asked if the plan includes moving the City Engineer to City Hall.

City Administrator Schroeder stated that there was discussion around the possibilities of moving the City Engineer to City Hall noting that the final decision for now was to not move the City Engineer. He stated that they have to keep in mind that future Councils could change that decision.

Council Member Bailey stated that as they reposition and review the map, he has some concerns that the West Draw area would be outside the boundary even further with respect to fire and emergency response. He suggested that Staff keep in mind that a determination should be made with respect to the need for fire and emergency response teams in that area of the City.

Mayor Shiely agreed with the concept of having more than one large reception area and with having a public access area that would not interfere with City Staff areas. She stated that the public should have the opportunity to utilize the meeting rooms and should be encouraged to use them.

Fire Chief Byerly reviewed the drive times and radius distance with Council. He stated that the cul-de-sac design and the current road access points do create some issues that would have to be addressed.

Council Member Grossklaus referenced the Fire Station and Emergency Response Team needs stating that he would have a hard time agreeing to closing down one fire station to build another. He stated that he would like Staff to tour other City Halls for ideas on space planning. He stated that he is not ready to sell Fire Station 2 to build City Hall.

City Administrator Schroeder explained that when the County decided to build the South Washington County Service Center their decision, in part, was based on the idea that the City of Cottage Grove would also build City Hall. He stated that as far as the available space for Fire Station 2, Staff has not looked at this closely enough to comment at this time. He indicated that Station 2 is an inefficient use of space and is poorly designed. He stated that Staff would research further and update the Council.

Council Member Biggam stated that Staff did a good job on the study but would like to point out that the City does not have a Director of Public Safety. She stated that it would be difficult to bring in a new Director that has not had any input on the layout of the Public Safety Department. She stated that she would like feedback from the Public Safety Director on the proposed plans and layout before the building process is approved and begins.

Mayor Shiely stated that she does not want to rule out the option to sell Fire Station 2.

Council Member Biggam asked why the offices were different sizes and suggested making them all the same size to save space. City Administrator Schroeder reviewed the space needs study with Council noting that the office sizes are based on the needs of the position.

City Administrator Schroeder asked the Council what the public should expect to see when they look at the building.

Mayor Shiely stated that they should see a very beautiful area with a building that adds to the simple, natural state of the area and is welcoming to the public.

Council Member Biggam suggested that they consider the area when they begin to determine access points, entrances to the buildings and windows. She suggested keeping the appearance simple and natural.

WORKSHOP SESSION – CLOSED

NONE

ADJOURNMENT

MOTION BY BIGHAM, SECONDED BY GROSSKLAUS, TO ADJOURN THE MEETING AT 11:00 P.M. MOTION CARRIED 5-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.