

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

December 21, 2005

OPEN FORUM - 7:15 p.m.

Open forum provides a person an opportunity to inform the Council of a problem or to request information related to City business not scheduled for Council action and on the Agenda. Mayor Shiely encouraged persons to limit their remarks to two (2) minutes per issue.

Present: Mayor Sandy Shiely
Council Member Myron Bailey
Council Member Karla Bigham
Council Member Mark Grossklaus
Council Member Pat Rice

Also Present: Ryan Schroeder, City Administrator
Ron Hedberg, Finance and Administrative Services Director
Howard Blin, Community Development Director
Michael Zurbey, Acting Public Safety Director
Les Burshten, Public Works Director
Corrine Thomson, City Attorney

No one stepped forward to speak during Open Forum.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota held a regular meeting on Wednesday, December 21, 2005, at the Cottage Grove City Hall, 7516 80th Street South. Mayor Sandy Shiely called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Mayor Sandy Shiely
Council Member Myron Bailey
Council Member Karla Bigham
Council Member Mark Grossklaus
Council Member Pat Rice

Also Present: Ryan Schroeder, City Administrator
Ron Hedberg, Finance and Administrative Services Director
Howard Blin, Community Development Director

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

ADOPTION OF AGENDA

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

PRESENTATIONS

NONE

APPROVAL OF MINUTES

A. October 19, 2005 Regular Meeting

Mayor Shiely stated that the minutes stand approved as presented.

CONSENT CALENDAR

Council Member Bigham asked to pull Items 4F and 4J for discussion. She referenced Item 4F noting that this is for the renewal of a charitable gambling permit and asked if this would go through if the location changes.

City Administrator Schroeder confirmed that the permit is location specific and would probably not continue through 2006.

Council Member Bigham referenced Item 4J stating that she would like to publicly recognize and thank all of the area merchants who donated gifts for the City Employee Holiday party. She reviewed the list of donors and thanked them for their contributions

MOTION BY RICE, SECONDED BY GROSSKLAUS, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - i. PLANNING COMMISSION OF NOVEMBER 28, 2005.
- B. ADOPT **RESOLUTION NO. 05-203** APPROVING FINAL PAYMENT IN THE AMOUNT OF \$58,542.99 TO BARBAROSSA & SONS, INC. FOR THE PINE SUMMIT 7TH ADDITION STREET AND UTILITY IMPROVEMENTS PROJECT.
- C. APPROVE THE AMENDMENTS TO THE PERSONNEL POLICY.
- D. ADOPT **RESOLUTION NO. 05-204** AMENDING THE CITY FEE TABLE.
- E. ADOPT **RESOLUTION NO. 05-205** APPROVING FINAL PAYMENT IN THE AMOUNT OF \$107,306.89 TO VOLK SEWER AND WATER FOR THE HOMESTEAD AT HIGHLAND HILLS UTILITY AND STREET

- IMPROVEMENT PROJECT.
- F. ADOPT **RESOLUTION NO. 05-206** APPROVING APPLICATION OF FRATERNAL ORDER OF POLICE, MINNESOTA LODGE NO. 1 FOR A CLASS "A" PREMISES PERMIT TO CONDUCT LAWFUL PURPOSE GAMBLING AT DEMORI'S RESTAURANT AND LOUNGE, LOCATED AT 8200 HADLEY AVENUE SOUTH, COTTAGE GROVE, MINNESOTA.
 - G. ADOPT **RESOLUTION NO. 05-207** APPROVING PLANS AND SPECIFICATIONS AND ESTABLISHING A BID DATE FOR THE HIGHLANDS POND GRADING PROJECT.
 - H. AUTHORIZE RENEWAL OF 2006 LIQUOR LICENSES.
 - I. ADOPT **RESOLUTION NO. 05-208** APPROVING THE 2006 BUDGET OF THE LOWER ST. CROIX WATERSHED MANAGEMENT ORGANIZATION.
 - J. ADOPT **RESOLUTION NO. 05-209** ACCEPTING THE DONATIONS FOR THE CITY OF COTTAGE GROVE EMPLOYEE HOLIDAY PARTY.
 - K. ADOPT **RESOLUTION NO. 05-210** RELATING TO PARKING RESTRICTIONS ON RAVINE PARKWAY - S.A.P. 180-120-001 FROM CSAH 19 TO NORTHERN TERMINUS OF RAVINE PARKWAY (STA. 23 + 38) IN THE CITY OF COTTAGE GROVE, MINNESOTA.
 - L. ADOPT **RESOLUTION NO. 05-211** DECERTIFYING PARCEL NO. 12.027.21.24.0001 FROM TAX INCREMENT FINANCING DISTRICT NO. 1-10 OF THE CITY OF COTTAGE GROVE.
 - M. ADOPT **RESOLUTION NO. 05-212** ADOPTING 2006 PAY PLAN AND BENEFITS FOR EMPLOYEES NOT COVERED BY A LABOR CONTRACT FOR THE CITY OF COTTAGE GROVE (REPEALS RESOLUTION NO. 04-214).
 - N. APPROVE THE RENTAL/PURCHASE OF A FECON BULL HOG ATTACHMENT FOR THE CITY'S BOBCAT.
 - O. ADOPT **RESOLUTION NO. 05-213** CERTIFYING DELINQUENT UTILITY BILLS TO THE PROPERTY TAX ROLLS FOR PAY 2006.
 - P. ADOPT **RESOLUTION NO. 05-214** AUTHORIZING ACCEPTANCE OF A GRANT FROM THE MINNESOTA DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT TO RIVERLAND COMMUNITY COLLEGE FOR THE PURPOSE OF TRAINING OUR FIREFIGHTERS TO HAZARDOUS MATERIALS OPERATIONS LEVEL.
 - Q. AUTHORIZE THE RENEWAL OF THE HRA SERVICES AGREEMENT FOR 2006.

MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

NONE

PUBLIC HEARINGS

NONE

BID AWARDS

NONE

UNFINISHED AND NEW BUSINESS

- A. Consider Establishing the 2006 City Council Meeting Schedule.

MOTION BY BAILEY, SECOND BY BIGHAM, TO AUTHORIZE THE ESTABLISHMENT OF THE 2006 CITY COUNCIL MEETING SCHEDULE. MOTION CARRIED 5-0.

- B. Consider Amending the Zoning Code to Add the I-5, Railroad Access Industrial Zoning District, which would allow Open Storage as a Conditional Use and Prohibit it in all other Industrial Districts.

Community Development Director Blin provided the Council with an overview of the request clarifying that the request is for a zoning code amendment, not a rezoning. He explained that the first step in the process is to amend the code in order to create the I-5 District noting that the district would be in areas that have direct rail access. He indicated that the process started with a proposal from Lyman Lumber to purchase a portion of the property owned by Canadian Pacific Railway. He noted that the area is owned by Canadian Pacific Railway and reviewed the areas with Council. He indicated that the remainder of the Canadian Pacific property would be developed. He stated that once the zoning code has been amended Lyman Lumber would like to initiate a request rezoning the area to I-5 adding that they would also need to apply for a conditional use permit. He stated that the remainder of the proposal would come early next year if the amendment to the zoning code is approved.

Mayor Shiely asked if the City has any industrial zoned land in the Langdon area and if so, would the rezoning affect the property. Community Development Director Blin indicated that 3M does own property in this area that falls under the I-3 zoning. He explained that cities have wide latitude in rezoning properties within a zoning district adding that Staff is recommending that this property not be rezoned. He noted that Canadian Pacific is looking for railway users.

Mayor Shiely asked if they could tie this rezoning specifically to Canadian Pacific.

City Attorney Thomson explained that typically a City would not tie land use to specific owners. She indicated that the City Council does have a wide latitude of discretion in making zoning decisions adding that it could only be overturned if it is determined that it is arbitrary or in conflict with the Comprehensive Plan.

Dave Drock, Canadian Pacific Railway, assured the Council that they have

responded to all of the issues that were brought forward from the last meeting including lighting concerns and the visual appearance of the facility. He stated that they have done considerable research as to what could be done about the lighting and have commissioned an engineering study to review the lighting and access requirements for the area. He noted that they are limited by budget but if the Lyman proposal moves forward they would have more latitude with respect to costs if it is found that something extensive needs to be done. He assured Council that they would work with the City Staff to address all concerns.

Dale Carlson, Lyman Lumber, Excelsior, Minnesota stated that this project would work well for both Lyman Lumber and Canadian Pacific. He stated that they are very excited about the possibilities and it is their hope to become a part of the business community in Cottage Grove.

Council Member Bailey stated that the building and surrounding area is located at the gateway entrance to the City and asked Lyman Lumber to listen and seriously consider the recommendations and requests from Council, specifically when it comes to berming, landscaping and structural appearance. He explained that Council is concerned about how everything would look coming into the City of Cottage Grove noting that Council wants to be sure that it presents a good appearance for the City.

Mr. Carlson assured the Council that they are aware of their concerns and would work to keep them in mind as they move through the process.

Mayor Shiely assured Mr. Carlson that Council knows that Lyman Lumber is aware of the Council's concerns noting that her biggest concern is the amount of trucks that would travel on City roadways. She expressed concerns that this would have a huge impact on the City streets. She noted that the I-5 rezoning is probably the only answer adding that had they left the proposal in its original state that she would not have been in favor of the rezoning. She stated that it is her hope that Lyman Lumber can expand and become a part of the community and asked that they keep these concerns at the forefront throughout this process.

Mr. Carlson acknowledged Mayor Shiely's concerns noting that there would be significant tax dollars from this property once it is developed and it would be a true asset to the City.

Council Member Bigham agreed with Mayor Shiely's concerns, especially with the wear and tear on the City roads. She stated that contributing to the tax base is also a concern noting that it seems that Lyman Lumber would cover the charges for utilities, water and sewer. She stated Lyman Lumber is a reputable company and it is her hope that they make good on their commitments to the community.

MOTION BY RICE, SECOND BY BIGHAM, TO ADOPT **ORDINANCE NO. 782**
AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA,

AMENDING TITLE 11-11, INDUSTRIAL DISTRICTS, TO ADD THE I-5, RAILROAD ACCESS INDUSTRIAL DISTRICT, TO THE COTTAGE GROVE CITY CODES. MOTION CARRIED 5-0.

- C. Consider Approving the Site Plan Review of the Washington County South Service Center to be Located at the Northeast Corner of Keats Avenue (C.R. 19) and 90th Street.

Community Development Director Blin stated that the Site Plan received extensive discussion at the Planning Commission meeting noting that there was considerable discussion around the design. He stated that two concerns were raised noting that they want to create a public building that is monumental yet blends in with a park-like setting.

Don Theisen, Director Transportation, Metropolitan Council, provided Council with an overview of the site plan noting that they are very excited about this project. He provided a recap of the discussions with the Planning Commission noting that the plan is to include landscaping along the sides of the road up to the building, around the building and the pond. He assured Council that they are working to balance and build something that would be appropriate for a public building but not be overly grand in its appearance. He indicated that several revisions have been made to the plan since the last City Council review noting that the County Board has also reviewed the design revisions and had the same concerns about aesthetics. He stated that they have decided to add more Kasota stone noting that it would blend in well with the bricking. He explained that they plan to use stucco on the rear portion of the building indicating that the reason for the stucco is because it is a nice material to use. He further explained that the stucco would not be as expensive to tear down if they decide, in the future, to expand the building. He noted that the landscaping plan has been refined and would include trees that are native to the area. He assured Council that they would continue to work with City Staff to ensure that everything meets with Council's expectations.

Council Member Bailey expressed concerns about the appearance of the building. He asked if the very back wall would be stucco and whether or not it would be impacted by the expansion.

Ms. Anderson confirmed that the back wall would be stucco and assured Council that the stucco would blend well with the Kasota stone. She explained that the stucco they plan to use has a long life, as it would be a commercial construction material that is stronger than what is used for residential structures. She assured Council that they have been very mindful of the detail adding that they want to be sure that the buildings would last for a very long time.

Mayor Shiely asked where the northern public access to the park would be located and are they planning to close the south access. Mr. Theisen stated that nothing has been decided at this time adding that if there is a new access point it would be

on the north side of the ravine. He stated that currently there are no plans to close the south access point and reviewed with Council.

Commissioner Myra Peterson stated that the Park Commission is in the process of reviewing the plans for the park. She explained that they are still looking at a northern entrance to the park and how it would tie in with the overall park. She assured the Council that they would remain sensitive to erosion issues noting that the ravine area is one of the most environmentally sensitive areas in the Metro. She stated that they too are very concerned about the erosion issues noting that how it is handled is very important and is currently under review. She stated that they are also looking at a possible trailhead into the park that would be north of the ravine. She stated that they are very excited about the possibilities of constructing a trailway noting that people are starting to use the park more and this would be a great addition for area.

Council Member Bigham stated that it would not make sense to have a southern access point noting that a northern entrance point would be very important if the government center is included in the plan. She asked when the master plan would be available for Council's review.

Commissioner Peterson stated that the master plan would be available in approximately one year adding that it is their hope to be up and running by January 2007.

MOTION BY BIGHAM, SECOND BY BAILEY, TO ADOPT **RESOLUTION NO. 05-215** APPROVING A SITE PLAN REVIEW OF THE WASHINGTON COUNTY SOUTH SERVICE CENTER BUILDING TO BE LOCATED AT 90TH STREET AND COUNTY ROAD 19 (KEATS AVENUE). MOTION CARRIED 5-0.

D. Consider Adopting a Resolution Adopting the 2006 Budget and the 2005 Tax Levy Collectible in 2006 for the City of Cottage Grove.

Finance and Administrative Services Director Hedberg provided the Council with a brief overview of the 2006 Budget and 2005 Tax Levy. He provided the Council with a breakdown of the property taxes that would be paid by the County, City, Schools and other districts and included a monthly breakdown of the City taxes paid.

MOTION BY GROSSKLAUS, SECOND BY BIGHAM, TO ADOPT **RESOLUTION NO. 05-216** ADOPTING THE 2006 BUDGET FOR THE CITY OF COTTAGE GROVE. MOTION CARRIED 5-0.

MOTION BY BAILEY, SECOND BY SHIELY, TO ADOPT **RESOLUTION NO. 05-217** ADOPTING THE 2005 TAX LEVY COLLECTIBLE IN 2006. MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

NONE

COUNCIL COMMENTS AND REQUESTS

Mayor Shiely congratulated the community on the great turnout for the 2005 Holiday Train noting that approximately 5,000 people attended the event. She stated that it was a huge success adding that they were able to raise twice as much food as last year in addition to \$19,000.00 for the local food shelf. She stated that it was her privilege to ride the Holiday Train from Hastings to Cottage Grove and introduce the group when they arrived in Cottage Grove. She thanked the community for supporting such a worthy cause noting that the Holiday Train will be back through Cottage Grove again next year.

Mayor Shiely stated that the City Council and Staff are getting together for holiday cheer at Ruby Tuesday after the meeting. She stated that it is open to the public and invited the community to join City Council and Staff noting that this is in appreciation for all of their help and support throughout the year. She wished everyone a Happy Holiday and Happy New Year.

PAY BILLS

MOTION BY BIGHAM, SECONDED BY BAILEY, TO APPROVE PAYMENT OF CHECK NUMBERS 142936 THROUGH 143181 TOTALING \$963,364.81. (CHECKS 142936 - 142975 IN THE AMOUNT OF \$165,870.21 ISSUED PRIOR TO COUNCIL APPROVAL.) MOTION CARRIED 5-0.

WORKSHOP SESSION - OPEN

NONE

WORKSHOP SESSION - CLOSED

NONE

ADJOURNMENT

MOTION BY BAILEY, SECONDED BY BIGHAM, TO ADJOURN THE MEETING AT 8:23 P.M. MOTION CARRIED 5-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.