

# REGULAR MEETING COTTAGE GROVE CITY COUNCIL

September 20, 2006

## 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  
Howard Blin, Community Development Director  
Craig Woolery, Public Safety Director  
Les Burshten, Public Works Director

Myra Peterson, 8284 Indian Boulevard, said she wished to address the Council regarding South Washington County “Heart of the County,” a fundraiser for local nonprofits, to be held October 1, 4-6 p.m., at the River Oaks Clubhouse. Ms. Peterson invited all to attend and thanked Mayor Shiely for agreeing to be co-host for the event. Ms. Peterson also extended an invitation to attend the grand opening of the Wakota Bridge, a party to be held October 9, 4:30-6:00 p.m., at the former Drover’s Inn on Concord and I-494.

Anna Klemmensen, 8839 90<sup>th</sup> Street South, reported that the Woodmount Townhomes Association had been created to keep affordable housing in Cottage Grove and to improve the community. She stated that the property owners have indicated repeatedly in the past that they wish to opt out of their contract and, if so, the City would lose 50 units of greatly valued low-income housing. Ms. Klemmensen requested assistance from the City to help residents dialogue with the owners and develop a strategy, adding that residents are fearful every year with the possibility of losing this low-income housing. She said if the owners announced their decision in December, then contract talks would begin.

Mayor Shiely stated that, since the City Attorney was not present at the current meeting, the City Administrator would ask her what the City could do to assist. It was suggested that the Association meet with the Human Services/Rights Commission and the HRA, and that a City representative be present as a facilitator. Mayor Shiely thanked the residents for attending the Council meeting.

There being no speakers, the Open Forum was closed at 7:26 p.m.

## CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota, held a regular meeting on Wednesday, September 20, 2006, at the Cottage Grove City Hall, 7516 80<sup>th</sup> 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  
Howard Blin, Community Development Director  
Craig Woolery, Public Safety Director  
Les Burshten, Public Works Director

## ADOPTION OF AGENDA

MOTION BY BIGHAM, SECONDED BY RICE, TO APPROVE THE AGENDA AS SUBMITTED. MOTION CARRIED 5-0.

## PRESENTATIONS

### A. Buckthorn presentation by City Forester John Klinkhammer.

City Forester John Klinkhammer gave a presentation on buckthorn, which has become a big concern because it is invasive, keeps other plants from receiving sunlight, reduces oak and wildflower reproduction, and increases the potential for erosion. He described the stump treatment, a can technique, to eliminate buckthorn and said wrenches were available for City residents to use, at no charge, for buckthorn removal. Mr. Klinkhammer referred to the Minnesota Forestry Association's pamphlet as well as the websites which also address the subject, those being the Minnesota Department of Natural Resources, University of Minnesota and National Park Service.

Mayor Shiely asked that copies of the buckthorn pamphlet be available to City residents and thanked Mr. Klinkhammer for his presentation.

## APPROVAL OF MINUTES

### A. September 6, 2006, Regular Meeting

Mayor Shiely stated that the minutes stand approved as presented.

## CONSENT CALENDAR

Council Member Rice pulled item F for discussion and asked for clarification regarding the variance to side-yard setback requirements at 9791 Hamlet Avenue South. The Community Development Director responded that the party made the case that it was not going to be habitable space without the variance.

Council Member Rice pulled item G for discussion and inquired if the problem was with the connections in the gas pipes or just the pipe. The Public Works Director responded that he believed it was the pipe primarily and that the requirement was to remove any Century piping, which had been installed in the 1970s. He said they would be testing services that lead into the pipes and replacing any that were needed within two weeks.

Council Member Rice brought up the subject of doublemaining. Council Member Grossklaus expressed concern about repairing only one street side at a time and inquired as to whether Excel could wait on repairs so Council concerns could be addressed. The Public Works Director responded that, at Council request, he would ask Excel to attend the next Council meeting and find out if they could place the project on hold as long as repairs could still be completed by the time frost sets in, though perhaps starting on those that are doublemained. Mayor Shiely asked that they update Council on the 74<sup>th</sup> Street and 80<sup>th</sup> Street connection that has caused problems in the past with power outages.

Council Member Bailey pulled item I for discussion, asking whether US Homes was going to contribute the amount, they were originally going to pay for repair, removal or installation of new monument signs on East Point Douglas Road. The City Administrator confirmed that was correct, US Homes would be asked to pay their portion.

### MOTION BY RICE, SECONDED BY BAILEY, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES: NONE SUBMITTED.
- B. RESOLUTION NO. 06-169, A RESOLUTION DECLARING COSTS TO BE ASSESSED (\$1,719,898.38) AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL FOR THE SILVERWOOD 1<sup>ST</sup> AND 2<sup>ND</sup> ADDITION STREET AND UTILITY IMPROVEMENTS; RESOLUTION NO. 06-170, A RESOLUTION CALLING FOR HEARING ON OCTOBER 4, 2006 FOR THE SILVERWOOD 1<sup>ST</sup> AND 2<sup>ND</sup> ADDITION STREET AND UTILITY IMPROVEMENTS; RESOLUTION NO. 06-171, A RESOLUTION DECLARING COSTS TO BE ASSESSED (\$250,666.32) AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL FOR THE PINE SUMMIT 6<sup>TH</sup> ADDITION STREET AND UTILITY IMPROVEMENTS; RESOLUTION NO. 06-172, A RESOLUTION CALLING FOR HEARING OCTOBER 4, 2006 ON PROPOSED ASSESSMENTS FOR THE PINE SUMMIT 6<sup>TH</sup> ADDITION STREET AND UTILITY IMPROVEMENTS; RESOLUTION NO. 06-173, A RESOLUTION DECLARING COSTS TO BE ASSESSED (\$61,014.68) AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL FOR SUMMERHILL CROSSING ADDITION STREET AND UTILITY IMPROVEMENTS; RESOLUTION NO. 06-174, A RESOLUTION CALLING FOR HEARING OCTOBER 4, 2006 ON PROPOSED ASSESSMENTS FOR THE SUMMERHILL CROSSING ADDITION STREET AND UTILITY IMPROVEMENTS; RESOLUTION NO. 06-175, A RESOLUTION DECLARING COSTS TO BE ASSESSED (\$539,538.90) AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL

FOR THE TIMBER RIDGE 4<sup>TH</sup> ADDITION STREET AND UTILITY IMPROVEMENTS; RESOLUTION NO. 06-176, A RESOLUTION CALLING FOR HEARING OCTOBER 4, 2006 ON PROPOSED ASSESSMENTS FOR THE TIMBER RIDGE 4<sup>TH</sup> ADDITION STREET AND UTILITY IMPROVEMENTS; RESOLUTION NO. 06-177, A RESOLUTION DECLARING COSTS TO BE ASSESSED (\$98,029.40) AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL FOR THE PINE ARBOR 2<sup>ND</sup> ADDITION STREET AND UTILITY IMPROVEMENTS; RESOLUTION NO. 06-178, A RESOLUTION CALLING FOR HEARING OCTOBER 4, 2006 ON PROPOSED ASSESSMENTS FOR THE PINE ARBOR 2<sup>ND</sup> ADDITION STREET AND UTILITY IMPROVEMENTS; RESOLUTION NO. 06-179, A RESOLUTION DECLARING COSTS TO BE ASSESSED (\$515,304.10) AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL FOR THE PINE ARBOR 1<sup>ST</sup> ADDITION STREET AND UTILITY IMPROVEMENTS AND RESOLUTION NO. 06-180, A RESOLUTION CALLING FOR HEARING ON OCTOBER 4, 2006, ON PROPOSED ASSESSMENTS FOR THE PINE ARBOR 1<sup>ST</sup> ADDITION STREET AND UTILITY IMPROVEMENTS.

- C. ADOPT RESOLUTION NO. 06-181 AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE STATE OF MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF TRAFFIC SAFETY.
- D. AUTHORIZE STAFF TO FINALIZE THE REVISED MEMORANDUM OF UNDERSTANDING WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR THE HAMLET POND GATEWAY STORM SEWER IMPROVEMENTS
- E. RECEIVE UPDATE ON WASHINGTON COUNTY RECYCLING GRANT.
- F. ADOPT RESOLUTION NO. 06-182, A RESOLUTION APPROVING A VARIANCE TO SIDE YARD SETBACK REQUIREMENTS TO ALLOW AN ADDITION AT 9791 HAMLET AVENUE SOUTH.
- G. RECEIVE INFORMATION ON THE CENTURY PIPE (GAS MAIN) REPLACEMENT PROJECT.
- H. AWARD THE QUOTE FOR PINETREE VALLEY PARK TRAIL TO TOWER ASPHALT, INC. IN THE AMOUNT OF \$30,420.00.
- I. AUTHORIZE REBUILDING THE CITY MONUMENT SIGNS.
- J. RECEIVE INFORMATION ON FISCAL IMPACT OF PACE OF HOUSING DEVELOPMENT.

MOTION CARRIED 5-0.

#### RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

None.

#### PUBLIC HEARINGS

Mayor Shiely inquired if any Council Members or staff had any questions on the assessments for the eight (8) public improvement projects.

The City Administrator noted that all eight projects are developer-initiated projects and funding for the improvements should have been escrowed through closings.

A. Conduct Public Hearings to Consider the Assessment of Public Improvements and Adopt Resolutions Adopting Assessments

1. Pine Arbor 3<sup>rd</sup> Addition

Mayor Shiely opened the public hearing at 7:53 p.m. regarding the assessment of public improvements totaling \$349,348.80. There being no public input, Mayor Shiely closed the public hearing at 7:53 p.m.

MOTION BY GROSSKLAUS, SECONDED BY BAILEY, TO ADOPT RESOLUTION 06-183, A RESOLUTION ADOPTING ASSESSMENTS FOR THE PINE ARBOR 3<sup>RD</sup> ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

2. Pinecliff 2<sup>nd</sup> Addition

Mayor Shiely opened the public hearing at 7:54 p.m. regarding assessment of public improvements totaling \$1,893,841.95. There being no public input, Mayor Shiely closed the public hearing at 7:54 p.m.

MOTION BY RICE, SECONDED BY BIGHAM, TO ADOPT RESOLUTION 06-184, A RESOLUTION ADOPTING ASSESSMENTS FOR THE PINECLIFF 2<sup>ND</sup> ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

3. Timber Ridge 6<sup>th</sup> Addition

Mayor Shiely opened the public hearing at 7:55 p.m. regarding assessment of public improvements totaling \$504,355.35. There being no public input, Mayor Shiely closed the public hearing at 7:55 p.m.

MOTION BY RICE, SECONDED BY BAILEY, TO ADOPT RESOLUTION 06-185, A RESOLUTION ADOPTING ASSESSMENTS FOR THE TIMBER RIDGE 6<sup>TH</sup> ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

4. Pinecliff 1<sup>st</sup> Addition

Mayor Shiely opened the public hearing at 7:56 p.m. regarding assessment of public improvements totaling \$267,383.74. There being no public input, Mayor Shiely closed the public hearing at 7:56 p.m.

MOTION BY BIGHAM, SECONDED BY GROSSKLAUS, TO ADOPT RESOLUTION 06-186, A RESOLUTION ADOPTING ASSESSMENTS FOR THE PINECLIFF 1<sup>ST</sup> ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

5. Mississippi Dunes 2<sup>nd</sup> Addition

Mayor Shiely opened the public hearing at 7:57 p.m. regarding assessment of public improvements totaling \$228,371.30. There being no public input, Mayor Shiely closed the public hearing at 7:57 p.m.

MOTION BY BAILEY, SECONDED BY BIGHAM, TO ADOPT RESOLUTION 06-187, A RESOLUTION ADOPTING ASSESSMENTS FOR THE MISSISSIPPI DUNES 2<sup>ND</sup> ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

6. Homestead at Highland Hills Addition

Mayor Shiely opened the public hearing at 7:58 p.m. regarding assessment of public improvements totaling \$521,102.96. There being no public input, Mayor Shiely closed the public hearing at 7:58 p.m.

MOTION BY GROSSKLAUS, SECONDED BY BAILEY, TO ADOPT RESOLUTION 06-188, A RESOLUTION ADOPTING ASSESSMENTS FOR THE HOMESTEAD AT HIGHLANDS HILLS ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

7. Mississippi Dunes Single Family Addition

Mayor Shiely opened the public hearing at 7:59 p.m. regarding assessment of public improvements totaling \$297,133.32. There being no public input, Mayor Shiely closed the public hearing at 7:59 p.m.

MOTION BY RICE, SECONDED BY MAYOR SHIELY, TO ADOPT RESOLUTION 06-189, A RESOLUTION ADOPTING ASSESSMENTS FOR THE MISSISSIPPI DINES SINGLE FAMILY ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

8. Mississippi Dunes Multi-Family Addition

Mayor Shiely opened the public hearing at 7:59 p.m. regarding assessment of public improvements totaling \$433,222.00.

Ronnie Ortiz, 6943 99<sup>th</sup> Street Court South and 6395 Street Court South, stated that he wished to formalize his objection in the event funds were not put in escrow at the time of closing, though he had been assured verbally. The City Administrator accepted his written objection letter.

John Diamond, 6658 98<sup>th</sup> Street Circle South, also stated he wished to object in the event funds were not put in escrow by the developer, as the 2003 contract stated the assessment was to be paid by the developer. Mayor Shiely requested that Mr. Diamond write a formal objection and submit it to the City Administrator, which he did.

There being no additional public input, Mayor Shiely closed the public hearing at 8:03 p.m.

MOTION BY RICE, SECONDED BY BIGHAM, TO ADOPT RESOLUTION 06-190, A RESOLUTION ADOPTING ASSESSMENTS FOR THE MISSISSIPPI DUNES MULTI-FAMILY ADDITION UTILITY AND STREET IMPROVEMENTS. MOTION CARRIED 5-0.

Council Member Rice commented that he recalled this being the first time new property owners had attended an assessment meeting, which happened to include the same group they had concerns with regarding landscaping and inquired what could be done about that.

The City Administrator responded that the City regularly receives calls regarding notices and, in this case, the title company wasn't able to verify with the Finance Department that money was in escrow but anticipated they would have that verification on September 21.

The Community Development Director also responded that the City has had difficulties with the developer. Council Member Rice noted but that the City has received assurances regarding the landscaping project.

Council Member Grossklaus asked if it would be possible to protect the City and homeowners when a first developer submits a proposal, flips the property to another developer and the second developer doesn't carry through.

The Community Development Director said that City approval be specified before multi-family developments are sold.

The City Administrator added that it is already being done for industrial projects.

#### BID AWARDS

None.

#### UNFINISHED AND NEW BUSINESS

A. Reconsider the Project Scope to Eliminate the Burlington Northern Santa Fe (BNSF) Bridge Widening over 103<sup>rd</sup> Street South

Mayor Shiely stated that staff recommended the City enter into an open-ended contract with the Burlington Northern Railway and, as an alternative, reconsider the project scope to eliminate bridge widening and City cost on the project.

The City Administrator reported that the Council had considered two projects, both an improvement in the resulting pavement underneath the bridge but also some additional road straightening and future trails. He said the difference between the two projects: With the narrower span, the City expected expenditure would be just reconstruction of the road; with the wider span, the expected expenditure would be an additional cost of the bridge itself. The City Administrator reported that the project is run internally inside Burlington Northern and the City's request for a ceiling expenditure cap was rejected. He said, for this reason, it would be suggested to Council that the smaller option be approved.

Council Member Bailey said the City wanted to do the widening and he was extremely disappointed with Burlington Northern in not providing estimate dollar amounts.

The City Administrator stated that staff had repeatedly asked Burlington Northern for figures to share with Council and residents, informing them that the City could not proceed without them.

Council Member Bailey inquired as to whether Option 2 presented any risk to the City and

said he was concerned about fire trucks being able to maneuver under the bridge.

The City Administrator responded there was no risk with Option 2, adding that currently only one apparatus (the ladder truck) is unable to drive under the bridge. The City was assured by the Fire Department that it would no longer be a concern after the completion of either project.

Council Member Bailey said he totally agreed with staff that the City can't have an open checkbook with the project but asked if there was any change the City could come to some agreement to make the road right.

The City Administrator responded that, if Council follows the recommendation, the City could be informed of rationale and Council vote and it would be in Burlington Northern's court to respond.

Council Member Biggam expressed her disappointment with the project and agreed that it is not fiscally responsible to not have a cap and also recommended ensuring that all possible options have been exhausted.

Council Member Rice stated that the original expected project cost was \$1.2 million and the City money wasn't there to pay for it, adding that Burlington Northern is a challenge to deal with.

MOTION BY RICE, SECONDED BY MAYOR SHIELY, TO APPROVE OPTION 2 AND TO AUTHORIZE STAFF TO PURSUE AN AGREEMENT WITH BNSF RAILROAD FOR THE 103<sup>RD</sup> STREET BRIDGE REPLACEMENT. MOTION CARRIED 5-0.

B. Consider Approving the Site Plan Review of a 20,000 Square-Foot Building and a 23,500 Square-Foot Building in the Industrial Park, as Proposed by Kappa Properties.

The Community Development Director reported that the two-phased project included two buildings north of 100<sup>th</sup> Street South and west of Hemingway Avenue South, abutting the west side of residences on Heath Avenue South, and then displayed the site plan and rendering of the building. He stated that the condos would be owner occupied with an attached association, adding that one condition would be that the association documents be approved by the City Attorney prior to construction. The Community Development Director described the architecture and noted the developer was present.

Mayor Shiely said she was glad to see the rendering, which made it easier to understand and then asked for Council questions.

Council Member Bailey inquired as to who is responsible for the area of trees that were noted to abut the nearby homes.

The Community Development Director responded that the majority was on the industrial property and a condition has been added they not be cut. He said on the west side, the City has required extensive landscaping and that new trees would replace any older trees that come down, that portion paid by property owners themselves.

Council Member Grossklaus inquired as to whether each business would have to make sure they agree with City ordinances when selling units, so the City would know what is being processed.

The Community Development Director responded that an individual business would have to come before the City to get a Conditional Use Permit, which runs with a specific property. He added that, assuming no lapse, a Conditional Use Permit is voided if not in existence for more than a year, the same with any property in the Industrial Park or along the highway.

Mayor Shiely invited the developer to address Council and inquired as to what businesses he anticipated going in.

Tim Kappa, 5915 Bryant Lane, Inver Grove Heights, greeted the Council and responded that he owns a home repair and improvement business and he expected other small business owners to come in who needs shop space for building cabinets or woodworking, noting that small business owners often don't have many options for space and which is the reason which lead him to develop the project.

Council Member Bigham inquired as to whether certain businesses would be targeted to come in, suggesting a one-stop shop area.

Mr. Kappa responded that any business falling into LI zoning would be allowed.

Mayor Shiely asked for reassurance that no semi trucks would be expected to navigate between the buildings.

Mr. Kappa responded there would be no access for semi trucks, no loading docks or parking, and just emergency exits for the tenant base.

Council Member Rice commented that he wished to ensure that the fire emergency doors would not get propped open so, as an example, neighboring businesses and residents would hear whining bandsaws in the early morning hours.

Mr. Kappa responded that there would be specified covenants regarding noise, dust, and other things such as banners on the building, beyond what the City restricts with the permit.

MOTION BY RICE, SECONDED BY BAILEY, TO ADOPT RESOLUTION NO. 06-191, A RESOLUTION APPROVING A SITE PLAN REVIEW OF TWO LIGHT INDUSTRIAL BUILDINGS TO BE LOCATED IN THE INDUSTRIAL PARK ON THE WEST SIDE OF HEMINGWAY AVENUE AND NORTH OF 100<sup>TH</sup> STREET SOUTH. MOTION CARRIED 5-0.

C. Consider Approving a Comprehensive Plan Amendment to Expand the MUSA Boundary and to Change the Land Use of Property Located South of Timber Ridge 5<sup>th</sup> Addition on Burr Oak Cove

Mayor Shiely requested the Community Development Director's report.

The Community Development Director displayed the location and presented his report regarding the Oak Cove Addition, Summit Ridge Two Company's application for the expansion of the West Draw urbanized development area. He stated the Planning Commission did recommend approval.

Mayor Shiely invited the developer to address the Council.

Brad Gonyea, Summer Ridge Two Company, Burnsville, introduced himself and said he would be happy to address any Council concerns.

Council Member Bigham informed staff that she would like to see the results of the Washington County speed study regarding 70<sup>th</sup> Street, as traffic access would be affected by the project.

The Community Development Director responded that study results were expected in about a month.

Council Member Grossklaus inquired whether there would be a sole builder or sell to individual builders.

Mr. Gonyea responded that there were not commitments and likely one or two builders would be working on the project, marketing directly to consumers and asking them which builder they would wish to use.

Council Member Bailey inquired about the timeline.

Mr. Gonyea responded that he expected construction start would be next spring or early summer.

Mayor Shiely inquired as to whether residents building within the project would be informed that there would be access to a small local park so they wouldn't be taken by surprise.

Mr. Gonyea responded that they would and he believed they would regard it as an amenity.

Mayor Shiely invited anyone in the audience to address Council, and there was none.

MOTION BY BAILEY, SECONDED BY RICE, TO ADOPT RESOLUTION NO. 06-192, A RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO EXPAND THE METROPOLITAN URBAN SERVICES AREA BOUNDARY AND TO CHANGE THE LAND USE FROM RURAL RESIDENTIAL TO LOW DENSITY RESIDENTIAL FOR PROPERTY LOCATED SOUTH OF TIMBER RIDGE 5<sup>TH</sup> ADDITION ON BURR OAK COVE. MOTION CARRIED 4-1 (BIGHAM).

MOTION BY RICE, SECONDED BY BAILEY, TO PASS ORDINANCE NO. 799, AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA, AMENDING CITY CODE SECTION 11-1-6, ZONING MAP, VIA REZONING CERTAIN PROPERTY GENERALLY LOCATED SOUTH OF TIMBER RIDGE 5<sup>TH</sup> ADDITION ON BURR OAK COVE FROM R-2, RESIDENTIAL ESTATE, TO 4-2.5, RESIDENTIAL. MOTION CARRIED 4-1

(BIGHAM VOTING NAY).

MOTION BY MAYOR SHIELY, SECONDED BY BAILEY, TO ADOPT RESOLUTION NO. 06-193, A RESOLUTION APPROVING THE PRELIMINARY PLAT NAMED OAK COVE ADDITION. MOTION CARRIED 3-2 (BAILEY, BIGHAM VOTING NAY).

MOTION BY BIGHAM, SECONDED BY MAYOR SHIELY, TO ADOPT RESOLUTION NO. 06-194, A RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE NO. 799 BY TITLE AND SUMMARY. MOTION CARRIED 5-0.

D. Consider Approving a Comprehensive Plan Amendment to Expand the MUSA and Change the Land Use, a Zoning Amendment to Rezone Property from R-2, Residential Estate, R-2.5, Residential, and a Preliminary Plat for Everwood, which Creates 28-Single Family Homes and 4 Outlots

Mayor Shiely requested the Community Development Director's report.

The Community Development Director displayed the plat drawing and said the lots would be zoned R-2.5, allowing for conservation of trees, and the developer had created a reconfiguration which eliminated one lot to align the cul-de-sac and other houses. He said the Planning Commission recommended approval but that rezoning the commercial piece is delayed until there is a development plan.

Council Member Grossklaus asked for the reasoning why the plan had changed from 12 lots and a pond to 28 lots with no pond.

The Community Development Director responded that ponding for the project would occur at the bottom of the hill, most in the City right of way, and that the original location for the plan would have involved significant tree removal. He said the City believed it worthwhile to recommend that ponding occur in an existing low area with piping down the hill, noting that the developer would pay for construction of the ponds.

Council Member Bigham expressed deep concern about tree conservation.

Mayor Shiely asked the developers to address the Council.

Mike Rygh, Custom One Homes, 7584 80<sup>th</sup> Street South, said he was excited and believed his plan offered an upscale neighborhood for Cottage Grove, addressing the density issue by clustering density over 39 acres and not putting roads to service 1.5 acre parcels, which would destroy the site. He displayed photos and said the lot widths make the neighborhood more special, with half being 85-90 feet and the remaining greater.

Council Member Grossklaus inquired as to whether all the houses would be built by his company.

Mr. Rygh responded that he hoped to build all of them but couldn't guarantee it, as it would be dependent on the market economy.

Mayor Shiely thanked Mr. Rygh and invited others in the audience to address the Council.

Ralph Rolling, 7479 Meadowgrass Cove, said his property is next to the cul-de-sac and the revised design proposal dated September 14 works for him, as it moved the house to be more in line in front and not now obstruct his backyard.

Mayor Shiely thanked him for coming forward.

Ken Guidera, 7455 Meadowgrass Cove, said he wished to second the notion that there should only be two houses on the cul-de-sac and said he appreciated the developer's revision. He also expressed concern about the project visibility from the roads and said he didn't understand why rezoning should be considered, but instead strive to keep green space as R-2 lots.

Council Member Bigham said she wished to second his opinion.

Mayor Shiely thanked him for coming forward.

Tom Ott, 7484 Granada Circle, said the Pulte developer knew about the issue and got permission to put City sewer and water in, so it was likely miscommunication between the builder and homeowner.

Mayor Shiely asked for Council comments.

Council Member Grossklaus expressed support for the project because he said the City knows what is going to be built there and agreed with residents but believed that one developer shouldn't be punished and held to a standard not held by others.

Mayor Shiely added that she totally agreed with Council Member Grossklaus' comments.

Council Member Bailey expressed his support and thanked the developers for meeting with the homeowners regarding the cul-de-sac issue, appreciating the work done together to eliminate one extra lot.

MOTION BY GROSSKLAUS, SECONDED BY BAILEY, TO ADOPT RESOLUTION NO. 06-195, A RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO EXPAND THE METROPOLITAN URBAN SERVICES AREA BOUNDARY AND TO CHANGE THE LAND USE FROM RURAL RESIDENTIAL TO MIXED USE FOR LOW DENSITY RESIDENTIAL AND COMMERCIAL DEVELOPMENT FOR PROPERTY LOCATED ON THE WEST SIDE OF HARDWOOD AVENUE, NORTH OF EAST POINT DOUGLAS ROAD. MOTION CARRIED 4-1 (BIGHAM VOTING NAY).

MOTION BY RICE, SECONDED BY BAILEY, TO PASS ORDINANCE NO. 800, AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA, AMENDING CITY CODE SECTION 11-1-6, ZONING MAP, VIA REZONING CERTAIN PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF HARDWOOD AVENUE, NORTH OF EAST POINT DOUGLAS ROAD FROM R-2, RESIDENTIAL ESTATE, TO R-2.5, RESIDENTIAL. MOTION CARRIED 4-1 (BIGHAM VOTING NAY).

MOTION BY GROSSKLAUS, SECONDED BY MAYOR SHIELY, TO ADOPT RESOLUTION NO. 06-196, A RESOLUTION APPROVING THE PRELIMINARY PLAT NAMED EVERWOOD ADDITION. MOTION CARRIED 4-1 (BIGHAM VOTING NAY).

MOTION BY BIGHAM, SECONDED BY MAYOR SHIELY, TO ADOPT RESOLUTION NO. 06-197, A RESOLUTION A RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE NO. 800 BY TITLE AND SUMMARY. MOTION CARRIED 5-0.

Mayor Shiely thanked audience members for attending the meeting and providing input.

E. Consider Approving the Feasibility Report for TH 61/Jamaica Avenue Roundabout Project and Authorizing Preparation of Plans and Specifications

Mayor Shiely said City Engineer has a good presentation on the subject and would like to ask the Council to postpone discussion until the October 4 Council meeting, when the City Engineer would attend.

MOTION BY BIGHAM, SECONDED BY GROSSKLAUS, TO TABLE THE ITEM TO THE NEXT REGULAR COUNCIL MEETING ON OCTOBER 4, 2006. MOTION CARRIED 5-0.

F. Consider Approving the Parks and Recreation Donation/Volunteer Program and Policy.

The City Administrator reported that the issue was raised because there was a proposal through the Parks, Recreation and Natural Resources Commission for memorial benches and a question was raised about how it would work, which resulted in the proposed donation policy. He said that any benches proposed would be provided on the trailway corridor, identified on the map.

Council Member Bailey said he was okay with the policy but didn't know that the trailway corridor would be the only place to have benches placed.

The City Administrator stated that the City strives to be equitable in location placement of memorial benches but that additional work would be needed to determine what to do about those benches on transient routes and those which are difficult to be seen.

MOTION BY BAILEY, SECONDED BY RICE, TO ADOPT RESOLUTION NO. 06-200, A RESOLUTION ADOPTING THE PARKS DONATION/VOLUNTEER PROGRAM AND POLICY.

Mayor Shiely added that it is an opportunity to memorialize anyone with a bench, or waste receptacle, within the trail system as well as an opportunity get involved in volunteer programs. She added that the information would be on the website.

UPON VOTE BEING TAKEN, MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

A. Response to City Council regarding Mutual Aid River Responses.

Mayor Shiely said she was glad St. Paul Park had a boat but the City must formally talk to them to let them know Cottage Grove may need them. She then expressed concern about County water patrol coverage as there is a tremendous amount of shoreline on the Mississippi River in Washington County and hope its being considered.

The Public Safety Director responded that rounds are made on the St. Croix in the summer and the City can make requests for extra patrol. He stated that, in the short term, the City may need to look at a smaller craft that can be deployed any time of the year, as there is always open water in certain areas.

Mayor Shiely stated that she would like to have access for residents on the Mississippi River, which will require more coverage.

B. Response to City Council regarding Mississippi Dunes Townhouse Project

Council Member Rice stated this had already been discussed.

COUNCIL COMMENTS AND REQUESTS

Council Member Bailey announced that plans have begun for next year's Strawberry Festival and that volunteers are needed to be part of the committee or those who want to share or sponsor a project. He said anyone interested can contact Caron Stransky at City Hall or contact Council Member Bailey directly.

Council Member Grossklaus announced that Washington County has scheduled its annual household hazardous waste collection for September 30, 9 a.m. to 1 p.m., at Public Works, to drop off of articles such as chemicals used in yard, paint, fluorescent bulbs.

Mayor Shiely reported that the City is looking at other sites to replace the current compost site and stated that any suggestions would be appreciated. She expressed great appreciation to the current owner of the site, stating that the service has been greatly valued in the community.

The Public Works Director added that the compost site ownership is changing hands and a final decision hasn't been made as to whether the site would be open next year, though it will be available to residents through this season. He said he would come back with a report for the Council and look at options available.

Mayor Shiely announced that she had received calls from Timber Ridge residents that trains on the west side of the highway are very loud and said she was curious if the Belden crossing would be considered as a quiet zone. She then announced that the Holiday Train will stop in Cottage Grove on December 12, 5:30-6:30 p.m., and that the Canadian Pacific Railway is offering a prize to the public to ride the train.

PAY BILLS

MOTION BY RICE SECONDED BY BAILEY, TO APPROVE PAYMENT OF CHECK NUMBERS 146855 to 147028 FOR \$882,981.02. MOTION CARRIED 5-0.

WORKSHOP SESSION – OPEN

None.

WORKSHOP SESSION – CLOSED

None.

ADJOURNMENT

MOTION BY RICE, SECONDED BY BIGHAM, TO ADJOURN THE MEETING AT 9:22 P.M. MOTION CARRIED 5-0.

Respectfully submitted,

Mary Heintz  
*TimeSaver Off Site Secretarial, Inc.*