

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

June 20, 2007

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.

Present: Mayor Sandy Shiely
Council Member Mark Grossklaus
Council Member Fred Luden

Also Present: Ryan Schroeder, City Administrator
Howard Blin, Community Development Director
Les Burshten, Public Works Director
Ron Hedberg, Finance Director
Jennifer Levitt, City Engineer
Corrine Thomson, City Attorney
Craig Woolery, Public Safety Director

Not Present: Council Member Myron Bailey
Council Member Pat Rice

Mayor Shiely opened the Open Forum at 7:15 p.m.

There being no speakers, Mayor Shiely closed the Open Forum at 7:15 p.m.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota, held a regular meeting on Wednesday, June 20, 2007, at the Cottage Grove City Hall, 7516 80th Street South. Mayor Shiely called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Mayor Sandy Shiely
Council Member Mark Grossklaus
Council Member Fred Luden

Also Present: Ryan Schroeder, City Administrator
Howard Blin, Community Development Director
Les Burshten, Public Works Director
Ron Hedberg, Finance Director
Jennifer Levitt, City Engineer
Corrine Thompson, City Attorney
Craig Woolery, Public Safety Director

Not Present: Council Member Myron Bailey
Council Member Pat Rice

ADOPTION OF AGENDA

Mayor Shiely requested the addition of Item 8D, writing a letter in support of Washington County's application to install a signal light at the Hardwood Avenue and 70th Street intersection.

MOTION BY GROSSKLAUS, SECONDED BY LUDEN, TO APPROVE THE AGENDA AS AMENDED. MOTION CARRIED 3-0.

PRESENTATION

A. Washington County HRA and Parkside Parks and Recreation Programs

Molly Pietruszewski, Recreation Program Coordinator, reported that this summer the Recreation Department, along with the Washington County HRA, will be celebrating its 15th year of service at the Parkside Apartments. She introduced and acknowledged Barbara Dacy, the Washington County HRA Executive Director, as well as Helen Shear, the Community Liaison, for their support of the City and the Parkside Program. Ms. Dacy expressed her personal thanks to the City for help and cooperation.

Mayor Shiely thanked Ms. Pietruszewski and Ms. Dacy on behalf of the entire Council.

B. Swearing-in Presentation – Firefighter/Paramedic Andrew Bauman; Firefighter Jeff Brown, Jr.; Firefighter Travis Place; Firefighter/EMT Matt Rischette

The City Administrator described the backgrounds and administered the oaths of office individually to Firefighter/Paramedic Andrew Bauman and Firefighters Jeff Brown, Jr., Firefighter Travis Place, and Firefighter/EMT Matt Rischette. The Fire Chief expressed his personal congratulations to the gentlemen, as did Mayor Shiely, on behalf of the entire Council and all firefighters who expressed support with their attendance.

C. Eagle Scout Award Presentation – Justin Peterson

Mayor Shiely introduced Justin Peterson, awarded him a City plaque for his attainment of Eagle Scout, and congratulated him on behalf of the entire Council.

D. SE Metro Amateur Radio Club

Dennis Ackerman, 8451 Hilo Lane South, described the history of amateur radio, announced its 150th anniversary, and said there are 12,000 amateur radio operators in the United States (80 in Cottage Grove), 660,000 in the United States and more than 2.5 million worldwide. He then played a video that included accomplishments of amateur radio operators during disasters, narrated by Walter Cronkite, also an amateur radio operator. Mr. Ackerman invited all to attend Amateur Radio Week's annual "Field Day," to be held from 1 p.m. on June 23 at 1 p.m. June 24 at Fire Station #2 on 80th Street. Mr. Shiely thanked Mr. Ackerman for his presentation.

E. Preservationist of the Year – John and Kimberly Goebel

John Burbank, Senior Planner, provided background information regarding the historic Zelch House located at 10174 - 70th Street South and displayed vintage and current photos of the farmstead as well as an aerial view. He described the diligent efforts of owners John and Kimberly Goebel and the Advisory Committee's decision to recognize them for excellent upkeep of property. Mayor Shiely then presented the "Preservationist of the Year Award" to the Goebel's and expressed her congratulations, as did the other Council Members.

APPROVAL OF MINUTES

A. May 16, 2007, regular meeting minutes

Mayor Shiely stated that the minutes stood approved as submitted.

CONSENT CALENDAR

MOTION BY LUDEN, SECONDED BY GROSSKLAUS, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - I. PUBLIC SAFETY, HEALTH AND WELFARE COMMISSION MEETING MINUTES FROM MARCH 20, 2007
- B. AUTHORIZE A \$500 CONTRIBUTION TO THE WAKOTA BRIDGE COALITION.
- C. 1) ADOPT RESOLUTION NO. 07-105, A RESOLUTION APPROVING THE FINAL PLAT FOR OAK COVE ADDITION. 2) ADOPT RESOLUTION NO. 07-106, A RESOLUTION APPROVING THE FEASIBILITY REPORT AND ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS.
- D. ADOPT RESOLUTION NO. 07-107, A RESOLUTION AUTHORIZING THE

- PREPARATION AND SUBMITTAL OF A 2008 CAPITAL BONDING REQUEST FOR THE COTTAGE GROVE –GATEWAY VISTA ENHANCEMENT PROJECT.
- E. ADOPT RESOLUTION NO. 07-108, A RESOLUTION APPROVING THE FINAL PLAT NAMED FRATTALONE’S SOUTHPOINT RIDGE.
 - F. 1) APPROVE THE DEVELOPMENT AGREEMENT FOR THE PRESERVE AT COTTAGE GROVE. 2) ADOPT RESOLUTION NO. 07-109, A RESOLUTION APPROVING THE FEASIBILITY REPORT AND ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR ALL PUBLIC IMPROVEMENTS FOR THE PRESERVE AT COTTAGE GROVE ADDITION.
 - G. 1) ADOPT RESOLUTION NO. 07-110, A RESOLUTION APPROVING THE FINAL PLAT FOR EVERWOOD ADDITION. 2) ADOPT RESOLUTION NO. 07-111, A RESOLUTION APPROVING THE FEASIBILITY REPORT AND ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR EVERWOOD ADDITION.
 - H. APPROVE THE WATER TOWER LEASE AGREEMENT BETWEEN THE CITY OF COTTAGE GROVE AND NEW CINGULAR WIRELESS PCS, LLC, TO INSTALL UP TO 12 ANTENNAS AND ASSOCIATED EQUIPMENT AT THE 3 MG WATER TOWER LOCATED AT 8491 81ST STREET SOUTH.
 - I. ADOPT RESOLUTION NO. 07-112, A RESOLUTION AWARDED QUOTE OF FRANK ZAMORA’S CONCRETE IN THE AMOUNT OF \$43,230.00 FOR THE EAST POINT DOUGLAS ROAD 2007 SIDEWALK IMPROVEMENT PROJECT.
 - J. ADOPT RESOLUTION NO. 07-113, A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND ESTABLISHING A JULY 19, 2007, BID DATE FOR THE SOUTHPOINTE RIDGE ADDITION UTILITY, STREET AND STREET LIGHTING IMPROVEMENTS PROJECT.
 - K. ADOPT RESOLUTION NO. 07-114, A RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT RELATING TO THE ADMINISTRATION AND IMPLEMENTATION OF A TRAFFIC SAFETY PROGRAM BY THE COTTAGE GROVE FOR A PROJECT ENTITLED SAFE & SOBER COMMUNITIES.

MOTION CARRIED 3-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

None.

PUBLIC HEARINGS

- A. 1) Hold the Public Hearing on the Requested Vacation and Discontinuance of Certain Public Right-of-Ways for the South Point Ridge Development, and 2) Consider Approving the Vacation and Discontinuance of Certain Public Right-of-Ways

The Community Development Director displayed a drawing of the street and described the application for the vacation and discontinuance of a portion of a public right-of-way on property generally located on East Point Douglas Road in Section 7. Mr. Blin said it was

previously in the control of the Minnesota Department of Transportation, who authorized the transfer of the jurisdiction back to the City of Cottage Grove during the assembly of parcels for the Kohl's development project. He stated that staff recommends Council approval of the vacation and discontinuance.

Mayor Shiely opened the public hearing at 8:05 p.m.

There being no speakers, Mayor Shiely closed the public hearing at 8:05 p.m.

MOTION BY GROSSKLAUS, SECONDED BY LUDEN, TO ADOPT RESOLUTION NO. 07-115, A RESOLUTION APPROVING THE VACATION AND DISCONTINUANCE OF CERTAIN PUBLIC RIGHT-OF-WAYS FOR THE SOUTH POINT RIDGE DEVELOPMENT. MOTION CARRIED 3-0.

BID AWARDS

A. Consider Awarding the Contract for Vehicle Towing and Impounding Services

MOTION BY MAYOR SHIELY, SECONDED BY LUDEN, AUTHORIZE STAFF TO ENTER INTO A THREE-YEAR TOWING CONTRACT WITH SOUTHEAST TOWING, INC. FOR THE PERIOD JULY 1, 2007, THROUGH JUNE 30, 2010. MOTION CARRIED 3-0.

B. Consider Awarding the Contract for the Grange Tank Reconditioning Project in the amount of \$324,700.00

Council Member Grossklaus inquired about the project timeline. The City Engineer described the process of the tank facelift, stated local residents and Council would be notified once the contractor was in place, and quoted an expected completion date of October 1.

Council Member Luden asked if there was any significant difference between the two bids. The City Engineer responded the difference was bidding strategies, rather than a difference in actual bids.

MOTION BY GROSSKLAUS, SECONDED BY LUDEN, TO ADOPT RESOLUTION NO. 07-116, A RESOLUTION AWARDED BID FOR GRANT TANK RECONDITIONING PROJECT TO TMI COATINGS, INC. IN THE AMOUNT OF \$324,700.00. MOTION CARRIED 3-0.

C. Consider Awarding the Bid for the Pinetree Pond and Ice Arena Expansion Site Improvements Project

Council Member Grossklaus inquired about inclusions of the project. The City Engineer cited in her report that it would include Pinetree Valley pond improvements; parking lot and trailhead construction; bituminous pathways; removals, pond and building site improvements, water main, storm sewer, and maintenance road and parking lot construction for the ice

arena expansion site improvements; and pond sealant. She said the pond would have standing water and there would be quite a bit of enhancement for the area.

Mayor Shiely asked about keeping water in the pond, and the City Engineer responded that a new marketed product would help enhance the sealing action of the pond to help ensure water containment. She then offered to make a presentation in the future regarding the process, and Mayor Shiely responded that she would be very interested.

MOTION BY LUDEN, SECONDED BY GROSSKLAUS, TO ADOPT RESOLUTION NO. 07-117, A RESOLUTION AWARDED BID FOR THE PINETREE VALLEY POND AND ICE ARENA EXPANSION SITE IMPROVEMENTS PROJECT TO IMPERIAL DEVELOPERS, INC. IN THE AMOUNT OF \$488,527.75. MOTION CARRIED 3-0.

D. Consider Awarding Bid for the East Ravine Truck Phase 1, Utilities Improvements Project

MOTION BY MAYOR SHIELY, SECONDED BY LUDEN, TO ADOPT RESOLUTION NO. 07-118, A RESOLUTION AWARDED BID FOR THE EAST RAVINE TRUNK UTILITY, PHASE 1 PROJECT TO BARBAROSSA & SONS, INC. IN THE AMOUNT OF \$1,480,155.00. MOTION CARRIED 3-0.

UNFINISHED AND NEW BUSINESS

A. Consider Passing An Ordinance Amending City Code Title 11, Zoning Regulations, Regarding Architectural Standards for Non-residential Buildings and a Resolution Authorizing the Publication of an Ordinance Summary

The Community Development Director reported that the ordinance establishes more rigorous development standards and creates four classes of exterior materials for non-resident structures. He described the various classes and then stated that the Planning Commission had reviewed and recommended approval. Mayor Shiely thanked the Planning Commission for their time considering the ordinance.

MOTION BY LUDEN, SECONDED BY GROSSKLAUS, TO ADOPT AN ORDINANCE NO. 820, AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA, AMENDING TITLE 11, CHAPTER 6, SECTION 4(B)(2), ROOFTOP MECHANICAL EQUIPMENT AND TITLE 11, CHAPTER 6, SECTION 13; ARCHITURE, AND ADOPT RESOLUTION NO. 07-119, A RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE NO. 820 BY TITLE AND SUMMARY. MOTION CARRIED. 3-0.

B. Allow the Representative(s) of Carbone's Pizzeria to Admit to or Deny the Allegation that their Employee Sold Liquor to a Minor during the Public Safety Department's compliance check on May 2, 2007

The City Administrator reported that the City Clerk had been contacted and the Carbone's

Pizzeria representative admitted to the allegation that an employee had sold liquor to a minor.

Council Member Grossklaus noted that 18 of the 19 establishments had passed the compliance check.

The Public Safety Director said checks are done bi-annually and the Carbone's Pizzeria has been a great business and procedures are in place to help them train employees to do a better job in complying.

MOTION BY MAYOR SHIELY, SECONDED BY GROSSKLAUS, TO IMPOSE A \$500.00 FINE TO CARBONE'S PIZZERIA FOR THEIR FIRST VIOLATION OF SELLING LIQUOR TO A MINOR THAN LESS 21 YEARS OF AGE IN A 24-MONTH PERIOD. MOTION CARRIED 3-0.

C. Consider Authorizing Staff to Proceed with the Contractual Agreements with RSP Architects for Architectural Services for the Ice Arena Expansion Project

The City Engineer reported that the Project Team had reviewed the three proposals and interviewed the firms (Bossardt Corp, RJM Construction, Kraus-Anderson), all of which were very competitively priced and brought tremendous architectural experience. She said the Team's recommendation is to consult with RSP Architects.

Council Member Luden inquired about any significant differences among the bids. The City Engineer responded that the hourly proposal in the concept design phase was beneficial to the City, as the Project Team has strong ideas to move through the phase to achieve a cost savings, and that it will have a positive effect on the financial outcome of the project.

MOTION BY LUDEN, SECONDED BY MAYOR SHIELY, TO AUTHORIZE STAFF TO PROCEED WITH CONTRACTUAL AGREEMENTS WITH RSP ARCHITECTS FOR ARCHITECTURAL SERVICES FOR THE ICE ARENA EXPANSION PROJECT. MOTION CARRIED 3-0.

D. Letter of Support to Washington County for a signal light at 70th and Hardwood

The City Engineer reported that the Washington County requests a letter of support from Cottage Grove to help strengthen its MDOT Highway Safety Improvement application for a stoplight signal installation at 70th Street and Hardwood. She said a stoplight is warranted earlier than expected due to increased population and traffic.

Council Member Luden said it was a good move on the County's part, and Mayor Shiely commented that it has been an issue for quite a while.

MOTION BY GROSSKLAUS, SECONDED BY LUDEN, TO AUTHORIZE CITY STAFF TO WRITE AND SEND A LETTER OF SUPPORT TO WASHINGTON COUNTY REGARDING INSTALLATION OF A SIGNAL LIGHT AT 70TH AND HARDWOOD. MOTION CARRIED 3-0.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

A. Response to Council Regarding Dangerous Dogs

Mayor Shiely inquired as to what prompted a review of the City's dangerous dog ordinance.

The Public Safety Director stated that a review was done in response to a recent flurry of media attention regarding serious dog bites upon the public in the metropolitan area. His report described the background, cited Potentially Dangerous and Dangerous definitions and procedures, and summarized that the current ordinance properly identifies and controls dangerous dogs in the City in order to ensure public safety. He said adopting further restrictions to limit dog ownership or registration requirements could prove to be counterproductive, and he encouraged education on ownership and City licensing.

Council Member Luden commented that the report was excellent and he complimented the Public Safety Director and his staff. He asked whether a running total of dog bites was kept by the City. The Public Safety Director responded that bites are tracked by severity classes (Substantial Bodily Harm and Great Bodily Harm), statutes are followed, and counts tracked on an ongoing basis. He reassured Council that they would be informed of any frequency increases.

Mayor Shiely commented that she feels the pit-bull breed needs to be watched. She then asked whether there were any reports of illegal dog fighting in the City. The Public Safety Director responded that there were none in his 23 years at Cottage Grove. He added that the ordinance is similar to the predatory statute, which can be overregulated resulting in unreasonable measures and ultimate reduction of control.

COUNCIL COMMENTS AND REQUESTS

Council Member Grossklaus invited all to attend the second annual Fishing Day at Hidden Valley Pond on June 23 from 10:00 a.m. to 2:00 p.m. He described various activities, stated that anyone under age 16 doesn't need a fishing license, and said more information could be obtained at www.cottage-grove.org or 651-458-3400.

Mayor Shiely thanked the Strawberry Fest Committee for the event's great success and said she hoped everyone had a great time.

PAY BILLS

MOTION BY LUDEN, SECONDED BY GROSSKLAUS, TO APPROVE PAYMENT OF CHECK NUMBERS 150591 TO 150811 IN THE AMOUNT OF \$582,476.67. MOTION CARRIED 3-0.

WORKSHOP SESSION – OPEN

None.

WORKSHOP SESSION – CLOSED

None.

ADJOURNMENT

MOTION BY GROSSKLAUS, SECONDED BY LUDEN, TO ADJOURN THE MEETING AT 8:34 P.M.

MOTION CARRIED 3-0.

Respectfully submitted,

Mary Heintz
TimeSaver Off Site Secretarial, Inc.