

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

February 6, 2008

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 Myron Bailey
Council Member Mark Grossklaus
Council Member Fred Luden
Council Member Pat Rice

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

Not Present: None

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

Ellen Edwards, 9003 Jergen Avenue, and Dick Swanson, 9134 79th Street South, provided an overview of their presentation to Council regarding a planned Woof Park off-leash recreation area and cited its mission: to provide an off-leash recreation area for people and their dogs, thereby improving the quality of life for citizens, their canines, and the Community. The group has spoken with Washington County about a potential location and Ms. Edwards and Mr. Swanson referenced issues of liability, clean-up, three-way collaboration (Washington County, Cottage Grove, and Woof Park), start-up needs, potential usage/revenue, and non-profit user board. The group's request is to proceed as a 501C(3) nonprofit with development of an off-leash dog park within the City limits in cooperation with Washington County.

Mayor Shiely thanked them and said she was impressed with their presentation.

There being no additional speakers, Mayor Shiely closed the Open Forum at 7:27 p.m.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota, held a regular meeting on Wednesday, February 6, 2008, 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 Myron Bailey
Council Member Mark Grossklaus
Council Member Fred Luden
Council Member Pat Rice

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

Not Present: None

ADOPTION OF AGENDA

MOTION BY BAILEY, SECONDED BY RICE, TO APPROVE THE AGENDA AS SUBMITTED.

MOTION CARRIED 5-0.

PRESENTATIONS

None.

APPROVAL OF MINUTES

A. January 2, 2008, Regular Meeting

Mayor Shiely stated that the minutes stood approved as submitted.

CONSENT CALENDAR

Council Member Bailey pulled Items B and C to thank the Cottage Grove Crime Prevention Board for the \$200 donation to the Public Safety Department, Policy Division, for the purchase of crime prevention items to be handed out at the Youth Activities Expo on February 28 at the River Oaks Golf Course, and for the \$2,000.00 donation to the Department's Police Division K9 Program. He also pulled Item I to ask for clarification regarding the Woodlands Recreation Center, and the City Administrator stated that it is the new name for the Parks Center.

Mayor Shiely inquired about the City's ISO rating. Fire Chief Bob Byerly stated that the rating is given by an insurance services organization to help insurance companies analyze cities and their various functions such as dispatch, fire and water. The rating is based on criteria such as quality flow of PSI of water, general training and equipment of fire trucks and general dispatch. Cottage Grove has maintained a rating of 5, which is a normal rating for similar cities of the same size. The Fire Chief said most insurance companies use zip codes now and that the ISO rating is not as important as it had once been. Mayor Shiely then asked about Grey Cloud's water pump accessibility, and the Fire Chief stated that a tanker system has been incorporated and works well with other area fire departments. He then acknowledged and thanked all who had provided assistance.

Mayor Shiely thanked the Fire Chief for his report.

MOTION BY RICE, SECONDED BY GROSSKLAUS, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - I. OCTOBER 8, 2007, PUBLIC WORKS COMMISSION MEETING MINUTES.
 - II. NOVEMBER 26, 2007, PLANNING COMMISSION MEETING MINUTES.
 - III. NOVEMBER 20, 2007, PUBLIC SAFETY, HEALTH AND WELFARE COMMISSION MEETING MINUTES.
- B. ADOPT **RESOLUTION NO. 08-021** ACCEPTING THE DONATION OF \$200.00 FROM THE COTTAGE GROVE CRIME PREVENTION BOARD TO THE PUBLIC SAFETY DEPARTMENT, POLICE DIVISION, FOR THE PURCHASE OF CRIME PREVENTION ITEMS TO BE HANDED OUT AT THE YOUTH ACTIVITIES EXPO BEING HELD ON FEBRUARY 28, 2008, AT RIVER OAKS GOLF COURSE.
- C. ADOPT **RESOLUTION NO. 08-022** ACCEPTING THE DONATION OF \$2,000.00 FROM THE COTTAGE GROVE CRIME PREVENTION BOARD TO THE PUBLIC SAFETY DEPARTMENT, POLICE DIVISION K9 PROGRAM.
- D. RECEIVE INFORMATION ON 2007 INSURANCE SERVICES OFFICE (ISO) PUBLIC PROTECTION CLASSIFICATION SURVEY.
- E. ADOPT **RESOLUTION NO. 08-023** ACCEPTING THE DONATION OF \$1,000.00 FROM MARATHON PETROLEUM COMPANY TO THE PUBLIC SAFETY DEPARTMENT, FIRE DIVISION, FOR THE PURCHASE AND INSTALLATION OF A LIGHTBAR ON FIRE VEHICLE 3127.

- F. ADOPT **RESOLUTION NO. 08-024** AUTHORIZING THE PREPARATION AND SUBMITTAL OF GRANT APPLICATIONS WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR THE FOLLOWING PROJECTS: HIGHLAND COMMUNITY PARK LOCAL TRAIL CONNECTION, HAMLET COMMUNITY PARK NORTH LOCAL TRAIL CONNECTION, HAMLET COMMUNITY PARK SOUTH LOCAL TRAIL CONNECTION, HIDDEN VALLEY FISHING PIER AND ACCESS IMPROVEMENTS.
- G. APPROVE A VARIANCE TO CITY CODE TITLE 7-3-4-G TO ALLOW POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES AT LAMAR PARK DURING THE STRAWBERRY FEST SOFTBALL TOURNAMENT.
- H. APPROVE THE APPOINTMENT OF PAMELA ROJAS TO THE HUMAN SERVICES/HUMAN RIGHTS COMMISSION.
- I. ADOPT **RESOLUTION NO. 08-025** ACCEPTING DONATIONS IN THE AMOUNT OF \$8,000.00 ON BEHALF OF THE RECREATION DEPARTMENT FOR THE WOODLANDS RECREATION CENTER.
- J. AUTHORIZE AN AMENDMENT TO THE ICMA CITY ADMINISTRATOR PENSION PLAN.
- K. REAPPOINT COMMISSIONERS TO THE ADVISORY COMMITTEE ON HISTORIC PRESERVATION; HUMAN SERVICES/HUMAN RIGHTS COMMISSION; PARKS, RECREATION AND NATURAL RESOURCES COMMISSION; PUBLIC SAFETY, HEALTH AND WELFARE COMMISSION; PUBLIC WORKS COMMISSION; AND PLANNING COMMISSION, PER JOE FISCHBACH'S MEMO DATED JANUARY 30, 2008.
- L. ADOPT **RESOLUTION NO. 08-026** REAFFIRMING THE TRAVEL, TRAINING AND EDUCATION POLICY THAT INCLUDES ELECTED OFFICIALS.
- M. APPROVE THE PURCHASE OF ONE NEW DAKOTA MODEL C4140 TURF TENDER FROM GREEN IMAGE, HASTINGS, MN, FOR A TOTAL PURCHASE PRICE OF \$18,998.15 INCLUDING SALES TAX.
- N. ACCEPT THE RESIGNATION OF JIM WOLCOTT AS THE CITY OF COTTAGE GROVE ALTERNATE REPRESENTATIVE ON THE SOUTH WASHINGTON COUNTY TELECOMMUNICATION COMMISSION AND APPROVE THE APPOINTMENT OF JACK LAVOLD TO THE POSITION.
- O. APPROVE THE QUOTE FROM ASPLUNDH TREE TRIMMING IN THE AMOUNT OF \$48,291.00, THE LOWEST OF THREE QUOTES RECEIVED, FOR THE 2008 TREE TRIMMING AND CLEAN-UP SERVICE CONTRACT.

MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

None.

PUBLIC HEARINGS

None.

BID AWARDS

None.

UNFINISHED AND NEW BUSINESS

A. Consider adopting a resolution of support for LGA reform.

The City Administrator provided background information and referenced the letter written to Mayor Shiely by Fridley Mayor Scott Lund, concerning a bill to replace the complicated, five-factor needs portion of the current LGA formula with a new needs indicator that is based on expenditures. The essential features of the proposed legislation include: 1) Need would be based on a rolling three-year average that includes operating expenditures and debt service expenditures listed in the three most recent expenditure reports published by the Office of the State Auditor, 2) Place a 5% cap on the annual growth of this three-year average, 3) Provides that no Minnesota city would receive less than 90% of its 2007 LGA distribution, 4) Apply to all Minnesota cities rather than continue two different formulas for cities under and over 2,500 in population, and 5) Cost the State an additional \$100 million and would come close to returning the total LGA allocation to 2003 levels.

Discussion ensued regarding Cottage Grove's current lack of LGA funding and it was reported that the current formula is driven from a pre-1940 housing formula that considers traffic accidents, household size, and whether a city is inside or outside the metropolitan area. Fridley is proposing elimination of those criteria and that it be based purely on expenditures, which would create an upward influence on spending. The City Administrator cited options for the City Council to consider: 1) Take no action, 2) Propose an alternative formula or basis for a formula, 3) Adopt the proposed resolution with revision, or 4) Adopt the proposed resolution.

Mayor Shiely inquired as to whether there could be fifth option, to adopt the resolution without changing the language but sending along additional comments, such as a statement that LGA funding should not be spending based, but rather tax income based. She also commented that 90% of zero, as noted in item 3 on page one of Mayor Lund's letter, is zero for Cottage Grove.

Council Member Rice asked where the \$100 million would come from, and the City Administrator responded that it would come from taxpayers and schools. Council Member Rice said he would like to see the LGA program disappear and let cities rely on their own property taxes, which Cottage Grove has been doing without any significant amount of help from that program over the last several years.

Mayor Shiely agreed with him but said the timing of what is happening now, such as lack of City growth, is creating an environment of desperation.

Council Member Luden stated that he is not a big proponent of creating more taxes but the timing has created problems and it may be the best time for a revision to the LGA program, but also adding that he would like to see a shift from expenditure to capacity, which would make it predictable, and Mayor Shiely concurred and said it would be the fairest way.

Council Member Grossklaus agreed with Council Member Rice and commented that any LGA funding would be a one-time windfall and painful to put in the budget as revenue, knowing that years later a decision would be needed as to where to make budget cuts.

Council Member Bailey commented that all Council Members agreed there is something wrong with the LGA formula but said it won't go away because of the need for assistance by the inner cities (Minneapolis and St. Paul). He said the chances of the proposal moving forward in its present form is slim because there is a lot of outstate influence on this program but it is a good move in the direction to get something moving forward.

MOTION BY MAYOR SHIELY, SECONDED BY BAILEY, TO ADOPT RESOLUTION 08-027 IN SUPPORT FOR LGA REFORM AND INCLUDE WITH THAT RESOLUTION THE COMMENTS MADE TONIGHT REGARDING TAX CAPACITY, THAT LGA FUNDING BE TAX INCOME BASED.

MOTION CARRIED 5-0.

- B. Consider authorizing site improvement work at the Pine Tree Valley Park to be included in the 2008 Pavement Management Project.

Council Member Rice inquired as to whether duct cleaning would be incorporated into the improvement work, and the Public Works Director said staff would look for the best deal for that to be included. The City Engineer added that the building is old and duct cleaning will be needed.

MOTION BY GROSSKLAUS, SECONDED BY LUDEN, TO AUTHORIZE THE SITE IMPROVEMENT WORK (INCLUDING DUCT CLEANING) AT THE PINE TREE VALLEY PARK TO BE INCLUDED IN THE 2008 PAVEMENT MANAGEMENT PROJECT.

MOTION CARRIED 5-0.

- C. Consider passing an ordinance amending Title 5, Chapter 4 of the Cottage Grove City Code relating to animals. Consider adopting a resolution authorizing publication by title and summary.

The Public Safety Director reported that precinct caucuses had been held and residents want to see government be responsive to their concern about dangerous dogs within the City. He said Council had given clear direction to staff to review the current ordinance and make improvements to it.

Deputy Director of Public Safety Peter Koerner then provided highlights in presentation

regarding the proposed changes: 1) The ordinance amends and adds new definitions, 2) clarifies the prohibition against domestic animals at large, 3) makes unlawful animal attacks a nuisance, 4) establishes procedures for animals presenting an imminent danger, and 5) establishes administrative hearing procedures and requirements for dogs designated as dangerous and potentially dangerous.

He added that the amendment authorizes the City to impound and seize animals in violation of the ordinance, establishes additional procedures for the redemption and release of seized and impounded animals, and states it is a violation to interfere with officers authorized to act under this ordinance (including concealment of animals ordered to be placed into custody), and authorizes the City to make a list of dangerous and potentially dangerous dogs available to the public. Owners of potentially dangerous dogs must provide proof of micro chipping their animal(s), muzzle them when outside, ensure adequate physical control and restraint of them, and register them annually. Deputy Director Koerner stated that an educational and awareness component of the public will be undertaken after Council approval of the amendment. He then thanked the Council and those City residents who took part in bringing the changes forward.

Council Member Rice inquired as to how many dangerous and potentially dangerous dogs reside in the City, and it was cited that there are one dangerous and 15 potentially dangerous dogs scattered throughout the City.

Mayor Shiely complimented, on behalf of the Council, all of those involved in the amending the City Code, including the Public Safety Department and Public Safety Commission.

MOTION BY BAILEY, SECONDED BY RICE, TO PASS **ORDINANCE NO. 837** AMENDING TITLE 5, CHAPTER 4 OF THE COTTAGE GROVE CITY CODE RELATING TO ANIMALS.

MOTION CARRIED 5-0.

MOTION BY RICE, SECONDED BY LUDEN, TO ADOPT **RESOLUTION 08-028** AUTHORIZING PUBLICATION BY TITLE AND SUMMARY FOR AMENDED TITLE 5, CHAPTER 4 OF THE COTTAGE GROVE CITY CODE RELATING TO ANIMALS.

MOTION CARRIED 5.0

COUNCIL COMMENTS AND REQUESTS

Council Member Bailey that there will be a fundraiser (\$5 tickets) to support the Stone Soup Thriftshop from 8 a.m. to 10 a.m. on March 29 at Applebee's.

PAY BILLS

MOTION BY GROSSKLAUS, SECONDED BY BAILEY, TO APPROVE PAYMENT OF CHECK NUMBERS 153637 TO 153882 IN THE AMOUNT OF \$1,049,968.23.

MOTION CARRIED 5-0.

WORKSHOP SESSION – OPEN

None.

WORKSHOP SESSION – CLOSED

None.

ADJOURNMENT

MOTION BY RICE, SECONDED BY LUDEN, TO ADJOURN THE MEETING AT 8:12 P.M.

MOTION CARRIED 5-0.

Respectfully submitted,

Mary Heintz
TimeSaver Off Site Secretarial, Inc.