

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

March 19, 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.

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, March 19, 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

Mayor Shiely announced two amendments to the agenda: Public Hearing Item 6A, Public Hearing and Designation of Cedarhurst Gardener's Cottage as an Historic Site, had been removed from the agenda as the application had been withdrawn and Consent Agenda Item 4G, Consider Awarding Contract to Tower Asphalt, Inc. for the 2008 Hidden Valley Pond Trail, had been changed to Bid Awards Item 7C.

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

MOTION CARRIED 5-0.

PRESENTATIONS

- A. Recognize Commission Volunteers – Ken Brittain, David Anderson, and Roger Finnegan

Mayor Shiely and Council Members acknowledged and thanked Ken Brittain, David Anderson, and Roger Finnegan for their years of service to the Community as members of a City Advisory Commission.

- B. Recognize Brian Hagen's 13 years of service as a Volunteer Public Reserve Officer with the City of Cottage Grove

The Director of Public Safety recognized and thanked Reserve Officer Brian Hagen for service as a volunteer for the Cottage Grove Police Department since December 1995 and reported that he will remain active in the law enforcement community through a position as a part-time police officer with the Minnesota State Fair Police Department.

APPROVAL OF MINUTES

- A. February 20, 2008 Regular Meeting

Mayor Shiely stated that the minutes stood approved as submitted.

CONSENT CALENDAR

Council Member Bailey pulled Item E to acknowledge the Cottage Grove Lions donation that will be used for prizes for the Annual Human Services/Human Rights Commission Essay Contest.

MOTION BY LUDEN, SECONDED BY GROSSKLAUS, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - I. ECONOMIC DEVELOPMENT AUTHORITY MEETING MINUTES FROM FEBRUARY 12, 2008.
 - II. PUBLIC WORKS COMMISSION MEETING MINUTES FROM FEBRUARY 11, 2008.
- B. ADOPT **RESOLUTION NO. 08-045** AUTHORIZING ISSUANCE OF A PREMISES PERMIT TO THE COTTAGE GROVE ATHLETIC ASSOCIATION TO CONDUCT LAWFUL PURPOSE GAMBLING AT AMERICAN MOTORSPORTS BAR & GRILL, 7240 EAST POINT DOUGLAS ROAD.
- C. ADOPT **RESOLUTION NO. 08-046** AUTHORIZING ISSUANCE OF A PREMISES PERMIT TO VFW POST 8752, 9260 POINT DOUGLAS ROAD, TO CONDUCT LAWFUL PURPOSE GAMBLING.
- D. ADOPT **RESOLUTION NO. 08-047** AUTHORIZING STAFF TO APPLY FOR THE NATIONAL HOCKEY LEAGUE PLAYERS ASSOCIATION HOPES AND DREAMS GRANT FOR AN AMOUNT OF \$115,000.00 WITH THE UNDERSTANDING THAT THE FUNDS WOULD BE USED TOWARDS THE PURCHASE OF DASHER BOARDS, SCOREBOARD AND RENTAL ICE SKATES.
- E. ADOPT **RESOLUTION NO. 08-048** ACCEPTING A DONATION FROM THE COTTAGE GROVE LIONS TO BE USED FOR PRIZES FOR THE ANNUAL HUMAN SERVICES/HUMAN RIGHTS COMMISSION ESSAY CONTEST.
- F. RECEIVE MAYOR SHIELY'S SUMMARY OF CITY ADMINISTRATOR RYAN SCHROEDER'S PERFORMANCE EVALUATION; 2) ADOPT **RESOLUTION NO. 08-049** AUTHORIZING A WAGE INCREASE OF 3% FOR MR. SCHROEDER EFFECTIVE JANUARY 1, 2008.
- G. ITEM MOVED TO ITEM 7C (AWARD THE CONTRACT TO TOWER ASPHALT, INC. FOR THE 2008 HIDDEN VALLEY POND TRAIL – BITUMINOUS TRAIL CONSTRUCTION IN THE AMOUNT OF \$23,352.00).
- H. AUTHORIZE STAFF TO APPLY FOR AN AFG GRANT IN THE AMOUNT OF \$192,944.50 FOR THE PURCHASE OF SEVEN ALS CARDIAC MONITOR/DEFIBRILLATORS.
- I. ADOPT **RESOLUTION NO. 08-050** APPROVING AN EXTENSION OF APPROVALS GRANTED IN 2007 FOR A NEW BANK TO BE LOCATED AT ALMAR VILLAGE.
- J. ADOPT **RESOLUTION NO. 08-051** APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A TOTAL OF 3,500 SQUARE FEET FOR TWO DETACHED ACCESSORY STRUCTURES AND A BUILDING HEIGHT OF 22 FEET ON THE PROPERTY LOCATED AT 6580 KIRKWOOD AVENUE.

- K. APPOINT JIM ROSTAD TO TERM THAT EXPIRES ON FEBRUARY 28, 2011, AND EDDIE THARBS TO A TERM THAT EXPIRES ON FEBRUARY 28, 2011, TO THE PLANNING COMMISSION.
- L. ADOPT **RESOLUTION NO. 08-052** APPROVING SIDE AND REAR YARD SETBACK VARIANCES TO ALLOW CONSTRUCTION OF AN ACCESSORY STRUCTURE AT 10389 KIMBERLY COURT SOUTH.
- M. APPROVE THE APPOINTMENT OF LINDSAY FLORIN TO THE HUMAN SERVICES/HUMAN RIGHTS COMMISSION.
- N. ADOPT **RESOLUTION NO. 08-053** APPROVING AN EXTENSION OF THE APPROVAL FOR THE CONDITIONAL USE PERMIT FOR THE PROPOSED EXPANSION AT HOPE COMMUNITY CHURCH, 8300 HYDE AVENUE SOUTH.
- O. APPROVE THE APPLICATION FOR A GRANT THROUGH THE MINNESOTA POLICE RESERVE OFFICER ASSOCIATION (MPROA) FOR THE PURCHASE OF TWO TASERS FOR USE BY COTTAGE GROVE POLICE RESERVE OFFICERS COSTING APPROXIMATELY \$1,500.00 - 2,000.00.
- P. APPROVE THE AMENDED AGREEMENT BETWEEN THE CITY OF COTTAGE GROVE AND FRANK FEMLING/DBA HIDEAWAY SHOOTING RANGE AND AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT.
- Q. PASS **ORDINANCE NO. 838** AMENDING THE CITY FEE TABLE BY ADDING POTENTIALLY DANGEROUS DOG REGISTRATION FEES.

MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

None.

PUBLIC HEARINGS

- A. Withdraw the public hearing and designation of the Cedarhurst Gardener's Cottage, 9912 70th Street, as an historic site.

The Community Development Director reported that the applicant requested that the application be withdrawn regarding Cedarhurst Gardener's Cottage being considered as an historic site.

BID AWARDS

- A. Consider awarding the contract to Pearson Brothers, Inc. for the 2008 Seal Coat Program in the amount of \$261,696.15.

The City Engineer recommended that Council award the 2008 Seal Coat Program to Pearson Brothers, Inc., the lower of two bids.

MOTION BY RICE, SECONDED BY LUDEN, TO ADOPT **RESOLUTION 08-054**

AWARDING THE CONTRACT TO PEARSON BROTHERS, INC. FOR THE 2008 SEAL COAT PROGRAM IN THE AMOUNT OF \$261,696.15.

MOTION CARRIED 5-0.

- B. Consider awarding the contract for Bid Division No. 9 to KMH Erectors, Inc. in the amount of \$148,500.00; Bid Division No. 10 to Gladstone Construction, Inc. in the amount of \$282,784.00; Bid Division No. 11 to Specialty Systems, Inc. in the amount of \$103,550.00; Bid Division No. 12 to S.G.O. Roofing & Construction, LLC in the amount of \$162,863.00; Bid Division No. 13 to Excalibur Caulking, Inc. in the amount of \$8,900.00; Bid Division No. 14 to Twin City Hardware Company in the amount of \$27,705.00; Bid Division No. 15 to Hufcor MN, LLC in the amount of \$12,339.00; Bid Division No. 17 to Berg Drywall, LLC in the amount of \$68,955.00; Bid Division No. 18 to Multiple Concepts Interiors, Inc. in the amount of \$21,020.00; Bid Division No. 19 to Twin City Acoustics, Inc. in the amount of \$1,885.00; Bid Division No. 20 to Becker Arena Products, Inc. in the amount of \$40,574.75; Bid Division No. 21 to Decorators Service Co. in the amount of \$83,850.00; Bid Division No. 23 to International Fire Protection Corp. in the amount of \$103,750.00; Bid Division No. 24 to Wenzel Plumbing & Heating, Inc. in the amount of \$815,600.00; and Bid Division 25 to Rike-Lee Electric, Inc. in the amount of \$251,675.00.

The City Engineer's written report recommended that Council adopt a resolution awarding the contract for Bid Divisions as described.

Tim Ryan, 61309 Falcon Avenue, said he is the business manager for the Sprinkler Fitters Local 417, representing 638 people, and asked Council to delay voting on Bid 23, International Fire Protection Corporation, in order to research the bid further, as he believes the published prevailing wage was incorrect in the bid forms and International Fire Protection Corp. has neither an approved apprentice program nor Affirmative Action Program.

Brian Hook, senior project manager for Kraus-Anderson, reported that the prevailing wages were obtained directly from the State of Minnesota Department of Labor website when the bids went out on December 22, 2007.

The City Administrator reiterated that the construction manager stated that the bidder complied with the City requirements and said the project is municipal, not State or Federal, and so there is no requirement to utilize prevailing wages.

Council Member Grossklaus requested further clarification regarding prevailing wages and asked if the contracts had been reviewed by the Legal Department. The City Attorney said she had not specifically looked at the bid in question but provided reassurance that there are no State or Federal dollars being used for the project and so there are no requirements for payment of prevailing wages by contractors unless a municipality sets them as a requirement in bid documents. She stated that Kraus-Anderson did review the documents and the bidder adhered to the bid specifications established by Cottage Grove.

MOTION BY BAILEY, SECONDED BY RICE, TO ADOPT **RESOLUTION NO. 08-055** AWARDING THE CONTRACT FOR BID DIVISION NO. 9 TO KMH ERECTORS, INC. IN THE AMOUNT OF \$148,500.00; **RESOLUTION NO. 08-056** AWARDING THE CONTRACT FOR BID DIVISION NO. 10 TO GLADSTONE CONSTRUCTION, INC. IN THE AMOUNT OF \$282,784.00; **RESOLUTION NO. 08-057** AWARDING THE CONTRACT FOR BID DIVISION NO. 11 TO SPECIALTY SYSTEMS, INC. IN THE AMOUNT OF \$103,550.00; **RESOLUTION NO. 08-058** AWARDING THE CONTRACT FOR BID DIVISION NO. 12 TO S.G.O. ROOFING & CONSTRUCTION, LLC IN THE AMOUNT OF \$162,863.00; **RESOLUTION NO. 08-059** AWARDING THE CONTRACT FOR BID DIVISION NO. 13 TO EXCALIBUR CAULKING, INC. IN THE AMOUNT OF \$8,900.00; **RESOLUTION NO. 08-060** AWARDING THE CONTRACT FOR BID DIVISION NO. 14 TO TWIN CITY HARDWARE COMPANY IN THE AMOUNT OF \$27,705.00; **RESOLUTION NO. 08-061** AWARDING THE CONTRACT FOR BID DIVISION NO. 15 TO HUF COR MN, LLC IN THE AMOUNT OF \$12,339.00; **RESOLUTION NO. 08-062** AWARDING THE CONTRACT FOR BID DIVISION NO. 17 TO BERG DRYWALL, LLC IN THE AMOUNT OF \$68,955.00; **RESOLUTION NO. 08-063** AWARDING THE CONTRACT FOR BID DIVISION NO. 18 TO MULTIPLE CONCEPTS INTERIORS, INC. IN THE AMOUNT OF \$21,020.00; **RESOLUTION NO. 08-064** AWARDING THE CONTRACT FOR BID DIVISION NO. 19 TO TWIN CITY ACOUSTICS, INC. IN THE AMOUNT OF \$1,885.00; **RESOLUTION NO. 08-065** AWARDING THE CONTRACT FOR BID DIVISION NO. 20 TO BECKER ARENA PRODUCTS, INC. IN THE AMOUNT OF \$40,574.75; **RESOLUTION NO. 08-066** AWARDING THE CONTRACT FOR BID DIVISION NO. 21 TO DECORATORS SERVICE CO. IN THE AMOUNT OF \$83,850.00; **RESOLUTION NO. 08-067** AWARDING THE CONTRACT FOR BID DIVISION NO. 23 TO INTERNATIONAL FIRE PROTECTION CORP. IN THE AMOUNT OF \$103,750.00; **RESOLUTION NO. 08-068** AWARDING THE CONTRACT FOR BID DIVISION NO. 24 TO WENZEL PLUMBING & HEATING, INC. IN THE AMOUNT OF \$815,600.00; AND **RESOLUTION NO. 08-069** AWARDING THE CONTRACT FOR BID DIVISION 25 TO RIKE-LEE ELECTRIC, INC. IN THE AMOUNT OF \$251,675.00.

MOTION CARRIED 5-0.

- C. Consider awarding the contract to Tower Asphalt, Inc. for the 2008 Hidden Valley Pond Trail – Bituminous Trail construction in the amount of \$23,352.00.

Mayor Shiely reported the Tower Asphalt, Inc. bid was the lowest of five, and the City Engineer acknowledged that the bid was very competitive.

MOTION BY RICE, SECONDED BY GROSSKLAUS, TO ADOPT **RESOLUTION 08-070** AWARDING THE CONTRACT TO TOWER ASPHALT, INC. FOR THE 2008 HIDDEN VALLEY POND TRAIL – BITUMINOUS TRAIL CONSTRUCTION IN THE AMOUNT OF \$23,352.00.

MOTION CARRIED 5-0.

UNFINISHED AND NEW BUSINESS

- A. Consider approving the 2008 mining permit to allow Aggregate Industries to continue their mining operations on Lower Grey Cloud Island.

The Community Development Director reported on Aggregate Industries' application to continue mining and processing aggregate materials on Lower Grey Cloud Island and described the proposed 2008 mining operations plan. He said this request is different than the previous request to do mining in the river and provided an overall description of the process, noting that the Planning Commission recommended approval and recommendation that 100 trees be planted and a tree-planting plan be created.

Patty Christenson, Aggregate Industries, addressed the issue of tree plantings and asked that the number of specified tree plantings be reduced from 380 to 100 and Council not be so concerned with the number of trees to add but rather consider the number of trees that have not been removed, as there have been no significant trees cleared since 2002, larger trees have been planted since 2005 by a nursery, and an arborist has visited the site twice a year to review plantings and provide further recommendations to help improve tree survival.

Mayor Shiely asked whether the plan is to leave original farm land as farm land. Ms. Christenson agreed and stated that there were plantings along the border of the property running along Grey Cloud Trail, acting as a buffer, and since then tree plantings have escalated as part of the company's conservation program.

The Community Development Director agreed that seedlings were Aggregate Industries' number and that there is no specific tree-planting plan in place, noting that he is unsure whether the right types of trees are being placed, and recommended that a reforestation long-term plan be created. Mayor Shiely strongly agreed. Ms. Christenson also noted that Aggregate Industries is not the landowner, who would have ultimate decision on future reforestation.

MOTION BY LUDEN, SECONDED BY RICE, TO ADOPT RESOLUTION 08-071 APPROVING THE 2008 MINING PERMIT ALLOWING AGGREGATE INDUSTRIES TO CONTINUE THEIR MINING OPERATIONS ON LOWER GREY CLOUD ISLAND.

MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

None.

COUNCIL COMMENTS AND REQUESTS

Mayor Shiely again reminded residents that Washington County's Open Book Meeting will be held on April 10 at the Cottage Grove City Hall.

Council Member Bailey announced that Stone Soup Thrift Shop will have a pancake breakfast on March 29 at the Cottage Grove Applebee's 8-10 a.m. Tickets are available in advance at the door for \$5, and ticket holders will have a chance at drawings. He thanked the restaurant and encouraged residents to support the thrift shop by attending the fundraiser.

Council Member Rice inquired about City pot holes and when street sweeping would begin. The Public Works Director cited April 7 as the start of sweeping if weather permits and invited residents to call Public Works at 458-2808 to inform City staff of any pot holes in streets that need repair.

PAY BILLS

MOTION BY BAILEY, SECONDED BY GROSSKLAUS, TO APPROVE PAYMENT OF CHECK NUMBERS 154242 TO 154434 IN THE AMOUNT OF \$628,204.79.

MOTION CARRIED 5-0.

WORKSHOP SESSION – OPEN

None.

WORKSHOP SESSION – CLOSED

None.

ADJOURNMENT

MOTION BY BAILEY, SECONDED BY RICE, TO ADJOURN THE MEETING AT 8:06 P.M.

MOTION CARRIED 5-0.

Respectfully submitted,

Mary Heintz
TimeSaver Off Site Secretarial, Inc.