

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

May 7, 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.

Darrel Silverness, Main Street Bank in Cottage Grove, thanked the City on behalf of the Chamber of Commerce for support this past year, especially Ryan Schroeder and Jesse Swenson, and referenced the Chamber's Spring Banquet where various awards were given out, including one for Mayor Shiely. Mayor Shiely thanked the Chamber for its support, especially the Holiday Train.

Robert Sirr, 7301 Hydrum Avenue South, said he's read several books on climate change and hopes Council is making a serious effort to reduce City pollution and energy consumption. Mayor Shiely thanked him for his concern and said Council goals include sustainability in development.

Richard Janisch, 8143 66th Street Court, referenced his neighbor's letter to the City regarding the park easement on 66th Street Court and said the City needs to address the necessity for a paved access to the park, as the present path has been sufficient. He reported that the City's current plan is to dig within one foot of his 25-foot blue spruce's drip line, placing the tree's viability in jeopardy, to construct the apron and paved path.

He argued that the City is doing this to accommodate only a limited number of houses and that there are other access points that can be utilized by those residents, the current path is also used as a dump site for snow removal, and he hopes a resolution can be obtained.

Bill Whitcomb, 8144 66th Street Court, stated that he has lived at his home for over 20 years and there has been an agreement among neighbors to be very protective of the beautiful lots there. His concern is that the paths and aprons being constructed on his street will diminish their real estate values and would the City reconsider the need for a paved path to the park, adding that the neighbors would be willing to take care of the path as it is.

The City Administrator commented that normal requests coming up through open forum usually are not responded to at a Council meeting but said, in this case, if Council wishes to consider the residents' proposal, action needs to occur before the next scheduled Council meeting because the path is in the process of being constructed. The City Attorney suggested that the subject could be added as Item 8C under Unfinished and New Business for Council to respond to if it wished to discuss further, and it was Council consensus to do so.

There being no additional speakers, Mayor Shiely closed the Open Forum at 7:30 p.m.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota, held a regular meeting on Wednesday, May 7, 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 RICE, SECONDED BY BAILEY, TO APPROVE THE AGENDA WITH THE ADDITION OF ITEM 8C, PARK EASEMENT ON 66TH STREET COURT.

MOTION CARRIED 5-0.

PRESENTATIONS

None.

APPROVAL OF MINUTES

A. April 2, 2008, Special Meeting

Mayor Shiely stated that the minutes stood approved as submitted.

B. April 2, 2008, Regular Meeting

Council Member Luden requested that the City Attorney's advisement at the meeting, that mapping not commit the City to unanticipated or unreasonable responsibilities in the future, be added to the minutes.

Mayor Shiely stated that the minutes stood approved as amended.

CONSENT CALENDAR

Council Member Bailey pulled Item D to acknowledge donations from Orthodontics By Hipple, Tennis Sanitation, Myron Bailey, John and Peggy Smith, and Bob Byerly for the Cottage Grove Ice Arena Expansion Project; and he pulled Item E to acknowledge donations by Anchor Bank, Borst Construction Inc., CCE Technologies Inc., Ed's Trophies, Hollywood Video, John J. Norton DDS PA, John S. Germo Insurance Agency, KOK Funeral Home, Marathon Petroleum Company LLC, Mississippi Dunes, River Oaks Golf Court, Starbucks Coffee Co., T. Mann Excavating Inc., Tennis Sanitation, Walmart in Hastings, and XCEL Energy for Cottage Grove's 15th Annual Safety Camp. Council Member Bailey then pulled Item F to call special attention to the Proclamation naming the week of May 11-17, 2008, as National Police Week and the ceremony to be held in Washington County on May 15 to remember fallen officers.

MOTION BY RICE, SECONDED BY GROSSKLAUS, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - I. PLANNING COMMISSION MEETING FROM JANUARY 14, 2008; FEBRUARY 25, 2008; AND MARCH 24, 2008.
 - II. PARKS, RECREATION AND NATURAL RESOURCES COMMISSION MEETING FROM DECEMBER 10, 2007, AND MARCH 10, 2008.

- B. ADOPT **RESOLUTION NO. 08-085** ACCEPTING A GRANT FROM THE MINNESOTA DEPARTMENT OF HUMAN RIGHTS IN THE AMOUNT UP TO \$1,500.00 FOR STRATEGIC PLANNING AND CAPACITY BUILDING FOR THE HUMAN SERVICES/HUMAN RIGHTS COMMISSION.
- C. AUTHORIZE ISSUANCE OF A SINGLE-OCCASION GAMBLING PERMIT TO THE PHOENIX RESIDENCE, INC. TO CONDUCT A RAFFLE AT RIVER OAKS GOLF COURSE ON JUNE 9, 2008.
- D. ADOPT **RESOLUTION NO. 08-086** ACCEPTING DONATIONS TOTALING \$2,900.00 FOR THE ICE ARENA EXPANSION PROJECT.
- E. ADOPT **RESOLUTION NO. 08-087** ACCEPTING DONATIONS IN THE AMOUNT OF \$1,310.00 ON BEHALF OF THE PUBLIC SAFETY, FIRE AND RECREATION DEPARTMENTS FOR THE 15TH ANNUAL YOUTH SAFETY CAMP.
- F. PROCLAIM THURSDAY, MAY 15, AS POLICE OFFICERS' MEMORIAL DAY AND THE WEEK OF MAY 11-17, 2008, AS NATIONAL POLICE WEEK.
- G. ADOPT **RESOLUTION NO. 08-088** APPROVING FINAL PAYMENT IN THE AMOUNT OF \$147,441.71 TO TOWER ASPHALT, INC. FOR THE RAVINE PARKWAY, 90TH STREET SOUTH AND KEATS AVENUE.
- H. ADOPT **RESOLUTION NO. 08-089** APPROVING AN EXTENSION TO THE FINAL PLAT APPROVAL FOR OAK COVE ADDITION.
- I. RATIFY THE APPOINTMENT OF PAUL PONCIN AS CHAIR OF THE PARKS, RECREATION AND NATURAL RESOURCES COMMISSION.
- J. RATIFY THE APPOINTMENT OF CHRIS REESE AS CHAIR OF THE PLANNING COMMISSION.
- K. ADOPT **RESOLUTION NO. 08-090** APPROVING 2007 BUDGET ADJUSTMENTS.
- L. ADOPT **RESOLUTION NO. 08-091**, **RESOLUTION NO. 08-092**, AND **RESOLUTION NO. 08-093** APPROVING INTERFUND TRANSFERS AND INTERFUND LOANS.
- M. AUTHORIZE THE CITY TO REQUEST GRANT FUNDING IN THE AMOUNT OF \$9,285.00 WITH THE U.S. DEPARTMENT OF JUSTICE TO COVER ONE-HALF OF THE COST OF 15 BULLETPROOF VESTS DUE FOR REPLACEMENT IN THE NEXT TWO YEARS.
- N. ADOPT **RESOLUTION NO. 08-094** ADOPTING THE 2007 GENERAL FUND – FUND BALANCE DESIGNATIONS AND AUTHORIZING TRANSFERS FROM THE GENERAL FUND.

MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

None.

PUBLIC HEARINGS

None.

BID AWARDS

- A. Consider authorizing the Mayor and City Administrator to enter into a consulting agreement with Barr Engineering for the preparation of environmental review documents and studies for Aggregate Industries' proposed Nelson Mine Expansion Project.

The Community Development Director provided a brief overview and said the City would be reimbursed for costs associated with the environmental review, a process that will take 18 months to identify and address key environmental issues. There is no presuppose of an outcome for either environmental or land use impacts.

MOTION BY LUDEN, SECONDED BY BAILEY, TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO ENTER INTO A CONSULTING AGREEMENT WITH BARR ENGINEER FOR THE PREPARATION OF ENVIRONMENTAL REVIEW DOCUMENTS AND STUDIES FOR AGGREGATE INDUSTRIES' PROPOSED NELSON MINE EXPANSION PROJECT.

MOTION CARRIED 5-0.

UNFINISHED AND NEW BUSINESS

- A. Consider approving the Southwest Cottage Grove Transportation Study Report dated April 2008.

The City Engineer reported on the joint effort between the City and Washington County to determine future traffic needs in the area southwest of Highway 61, develop a concept layout for Highway 61 and Keats Avenue interchange, and determine the role of future roadways. She identified the study area, said traffic forecast results are that the Jamaica interchange will not be able to accommodate predicted traffic volumes and a four-lane facility would be better, displayed the roadway alignment objectives, and said SEH used a model to obtain an estimated additional trip analysis on 100th between Jamaica and 3M (54% Cottage Grove, 32% outlying areas, 9% Grey Cloud Island, and 6% St. Paul Park), though the model did not take into consideration the potential for a future bridge across the river that would link the City to County Road 42 in Dakota County. The study assumed full development of St. Paul Park.

Council Member Bailey asked if West Point Douglas Road would be an underpass connection from the north to the south side of Highway 19. The City Engineer said an underpass was looked at but it would impact the county park facility and the cost substantial for a retaining wall.

Mayor Shiely inquired as to the length of four lanes, and the City Engineer stated probably to Hadley.

Council Member Grossklaus asked if Council approval of the report would hold current or future councils financially responsible.

The City Engineer stated that the document would be used as a planning tool and that it would be given to a task force as an informational part of the Comprehensive Plan's transportation component.

Joe Lux, Washington County, said the document would be taken to the transportation chapter, rather than directly to the County Board, and development would be done per road demand, with four lanes likely to be built in phases, that it may be logical to create a connection to 3M and then extend west as development occurs.

The City Administrator said the document provides value and good information for discussions on questions that don't have answers, such as 3M and the extension of Langdon to the southeast and where a frontage road might be reasonably placed as well as the northeast quadrant should that occur.

Council Member Grossklaus commented that there are some County roads (such as 19 and 70th Street) within the City that need to be upgraded and fixed before going into this project, and Council Members agreed.

Mayor Shiely said there is nothing in place at this point that warrants this road, that the only lack is a connection between Langdon and getting over to Highway 19. She stated that she understands the pressure on Hadley with the development but doesn't believe the property there is in need for a four-lane road.

Council Member Luden conceded his understanding that transportation projects require a longer length in cue in order to obtain funding but asked whether putting a project in cue moves the application ahead whether needed or not. Mr. Lux said it does help get funding, especially for an interchange, and provides a solid basis to move an application ahead. Council Member Luden asked what triggers an application, and Mr. Lux stated that development is the driver, as well as fund scores or operational or crash issues. The City Engineer added that County roads in the City are prioritized and the County has been working on planning coordination with the various cities within Washington County to gauge issues and work more closely with them.

Council Member Luden inquired as to whether four lanes are on the horizon for Highway 19 and Mr. Lux stated that the project funding has failed a few times. He added that typically federal funding is sought for large projects, such as 61 to 80th. Council Member Luden commented that it would be nice to have the whole thing fit together.

MOTION BY RICE, SECONDED BY BAILEY, TO APPROVE THE SOUTHWEST COTTAGE GROVE TRANSPORTATION STUDY REPORT DATED APRIL 2008.

MOTION CARRIED 4-1 (SHIELY).

B. Consider approving the Draft Surface Water Management Plan (SWMP) and authorize staff to distribute the plan for comments.

The City Engineer provided a brief introduction of the plan that will be sent to the Met Council, Watershed Management Organizations, and Watershed District and introduced Brad Schleeter, who provided Council with an update, including recap of the need for SWMP, coordination, and major revisions to the Plan. The next steps include agency review (South Washington Watershed District, Lower St. Croix WMO, and Metropolitan Council), 60-day review period, and SWMP adoption (targeting the August 13 Council meeting).

Council Member Luden asked about communication to folks where waterflow would cross their properties. Mr. Schleeter said none is planned other than to 3M, which received the plan in April 2007. The City Engineer added, however, that, if approved by Council, there will be no surprise to those affected.

Council Member Luden then inquired about how it is triangulated among the three agencies, and the City Engineer said communication will be coordinated and there will be need to have those specifics addressed in the final report.

MOTION BY BAILEY, SECONDED BY GROSSKLAUS, TO APPROVE THE DRAFT SURFACE WATER MANGEMENT PLAN AND AUTHORIZE STAFF TO DISTRIBUTE THE PLAN FOR COMMENTS.

MOTION CARRIED 4-1 (LUDEN).

C. Park Easement on 66th Street Court

Mayor Shiely directed that residents wishing to address Council on the subject only provide additional information and not go over what has already been communicated or received by Council and staff.

The City Engineer displayed an aerial view of the site, identified the affected properties, and provided a brief overview of the work required for the easement, part of the Pavement Management Project and critical element to enable public access to the park land that will be ADA compliant.

Mayor Shiely asked if it is possible to make the easement ADA compliant without harming the nearby trees, and the City Engineer responded no, that tree roots will likely be impacted.

Council Member Rice inquired as to whether there would be any changed to water flow on the two lots after the easement construction, and the City Engineer stated that the surface would not be hampered.

Mayor Shiely opened the floor to public comment.

Mr. Janisch quoted both the City Engineer and City Administrator as having said the easement is being done for benefit of residents, but he said there are eight accesses to the park and the impact on the two affected properties (of which his is one) will be large just for the benefit of 13 houses. He said the construction will likely kill his blue spruce, which he cited as worth \$20,000, and disagreed by stating that he believes there will be a water problem after completion.

Mayor Shiely asked if there is a way to keep the tree alive. The Public Works Director said the pathway would not be in the drip line of the tree and said their department has had good success with previous similar constructs. Mayor Shiely reiterated that the construction is part of the Pavement Management Project and the affected property is City owned, paid for by all City taxpayers.

There being no additional Council feedback, Mayor Shiely closed the subject and, following Council consensus, directed that the easement project be undertaken as planned.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

None.

COUNCIL COMMENTS AND REQUESTS

Council Member Bailey provided a reminder about the Strawberry Festival in June and noted the Royalty Scholarship for young women. He said festival buttons (\$3) and tee shirts (\$10) are available for purchase; thanked businesses, the planning committee, Public Works, Police Department, and volunteers for their support, and said there are additional opportunities for volunteers if interested: Contact Myron Bailey (651) 459-4734 or email myronbailey@aol.com.

PAY BILLS

MOTION BY RICE, SECONDED BY BAILEY, TO APPROVE PAYMENT OF CHECK NUMBERS 154811 TO 155095 IN THE AMOUNT OF \$910,917.08.

MOTION CARRIED 5-0.

WORKSHOP SESSION – OPEN

None.

WORKSHOP SESSION – CLOSED

A. Legal issues.

The meeting adjourned at 8:43 p.m. to Council's Closed Workshop Session to discuss assessment issues. The City Attorney provided further details, stating that absolute

confidentiality is needed because the issues concern a Jamaica roundabout litigation.

ADJOURNMENT

MOTION BY BAILEY, SECONDED BY RICE, TO ADJOURN THE MEETING AT 9:58 P.M.

MOTION CARRIED 5-0.

Respectfully submitted,

Mary Heintz
TimeSaver Off Site Secretarial, Inc.