

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

May 21, 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 Pro Tem Pat Rice
Council Member Myron Bailey
Council Member Mark Grossklaus
Council Member Fred Luden

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

Not Present: Mayor Sandy Shiely

Mayor Pro Tem Rice opened the Open Forum at 7:17 p.m.

Jack Lavold, 6859 Ideal, thanked the City for his endorsement to the South Washington Watershed District Board and acknowledged Mayor Pro Tem Rice for his support and open dialogue, as well as the City Engineer and City staff.

There being no additional speakers, Mayor Pro Tem Rice closed the Open Forum at 7:19 p.m.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota, held a regular meeting on Wednesday, May 21, 2008, at the Cottage Grove City Hall, 7516 80th Street South. Mayor Pro Tem Rice called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Mayor Pro Tem Pat Rice
Council Member Myron Bailey
Council Member Mark Grossklaus
Council Member Fred Luden

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

Not Present: Mayor Sandy Shiely

ADOPTION OF AGENDA

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

MOTION CARRIED 4-0.

PRESENTATIONS

A. South Washington Watershed District Presentation by Matt Moore.

Matt Moore, administrator of South Washington Watershed District, provided an update to Council. He said the District is working with City staff to finalize details of the required local surface water management plan component, implement the updated Watershed plan (it is hoped that it will create a framework to address regulations), and fine tune and move forward the plan concerning Bailey Lake and the East Ravine sub watershed area. Mr. Moore said he agreed with Mr. Lavold that City staff have been great to work with.

B. Padgett Award.

Minnesota Ice Arena Managers Association (MIAMA) board member Dean Mosow provided background information, described the award process, and presented the 2008 James Padgett Award to Zac Dockter, which recognizes staff, council members, commissioners, and volunteers who have invested time and effort to make the Cottage Grove Ice Arena a source of pride. He provided background information and described the process. Mr. Dockter accepted the award and stated that he received it on behalf of the entire City.

C. Swearing-in Presentation: Firefighter/Paramedic Ben Mair; and Firefighters Patrick Bromen, Heather Nelson, James Carter, and Ryan Sundell.

The City Administrator administered the oath of City Firefighter to Firefighter/Paramedic Ben Mair and Firefighters Patrick Bromen, Heather Nelson, and Ryan Sundell. James Carter was unable to attend. Fire Chief offered his personal congratulations and acknowledged the accomplishments of those individuals.

APPROVAL OF MINUTES

A. April 16, 2008, Regular Meeting

Mayor Pro Tem Rice stated that the minutes stood approved as submitted.

CONSENT CALENDAR

Bailey pulled Item G to acknowledge 3M's \$2,500 donation to the Strawberry Festival.

MOTION BY GROSSKLAUS, SECONDED BY LUDEN, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - I. ECONOMIC DEVELOPMENT AUTHORITY MEETING MINUTES FROM APRIL 2008.
 - II. PUBLIC WORKS COMMISSION MEETING MINUTES FROM MARCH 10, 2008.
 - III. PUBLIC SAFETY, HEALTH AND WELFARE COMMISSION MEETING MINUTES FROM JANUARY 15, 2008.
- B. ADOPT **RESOLUTION NO. 08-097** ESTABLISHING ELECTION PRECINCT POLLING PLACES FOR THE CITY OF COTTAGE GROVE.
- C. RATIFY THE EDA ACTION OF ALLOCATING GATEWAY TIF FUNDS TOWARD COMPLETION OF THE BELDEN CROSSING QUIET ZONE.
- D. AUTHORIZE ISSUANCE OF THE FOLLOWING PERMITS TO THE CHURCH OF ST. RITA FOR THEIR ANNUAL EVENTS: 1) TEMPORARY LIQUOR LICENSE FOR THE PIG ROAST ON AUGUST 9, 2008; 2) TEMPORARY LIQUOR LICENSE FOR THE FALL FESTIVAL ON SEPTEMBER 20-21, 2008; 3) SINGLE-OCCASION GAMBLING PERMIT FOR THE FALL FESTIVAL ON SEPTEMBER 20-21, 2008.
- E. ACCEPT THE RESIGNATION OF CHRISTIE THOMPSON FROM THE HUMAN SERVICES/HUMAN RIGHTS COMMISSION AND DECLARE A VACANCY.
- F. ACCEPT THE RESIGNATION OF ROBERT DAVY FROM THE PARKS, RECREATION AND NATURAL RESOURCES COMMISSION AND DECLARE A VACANCY.
- G. ADOPT **RESOLUTION NO. 08-098** ACCEPTING A DONATION FROM 3M FOR THE STRAWBERRY FESTIVAL.
- H. AUTHORIZE ISSUANCE OF A SINGLE-OCCASION GAMBLING PERMIT TO THE SOUTH WASHINGTON SENIOR CENTER TO CONDUCT A RAFFLE AT THE DISTRICT PROGRAM CENTER, 8400 EAST POINT DOUGLAS ROAD, ON OCTOBER 17, 2008.
- I. RENEW THE 1) PACKAGE POLICY WITH A \$50,000/\$100,000/\$1,000 DEDUCTIBLE, THE VOLUNTEER ACCIDENT PLAN, AND THE OPEN MEETING DEFENSE COVERAGE; 2) WORKERS COMPENSATION COVERAGE WITH A \$10,000 PER OCCURRENCE MEDICAL DEDUCTIBLE; AND 3) DO NOT WAIVE THE MONETARY LIMITS ON TORT LIABILITY.

- J. AUTHORIZE THE PURCHASE OF A CELLEBRITE UFED SYSTEM, PARABEN IMAGE CAPTURING SYSTEM, A GARRETT INVESTIGATOR G-500 METAL DETECTOR AND EARTH PRODUCTS GPS UNIT FOR A TOTAL OF \$5,884.40. THIS PURCHASE WOULD BE REIMBURSED THROUGH THE WASHINGTON COUNTY TASK FORCE FORFEITURE FUND.
- K. AUTHORIZE THE GRANT FUNDING REQUEST FROM THE STATE OF MINNESOTA DEPARTMENT OF PUBLIC SAFETY, ALCOHOL AND GAMBLING ENFORCEMENT DIVISION TO CONDUCT ALCOHOL COMPLIANCE CHECKS IN COTTAGE GROVE.
- L. ADOPT **RESOLUTION NO. 08-099** APPROVING AN INTERIM CONDITIONAL USE PERMIT TO ALLOW TEMPORARY OUTDOOR SALES OF FIREWORKS FROM JUNE 22, 2008, TO JULY 5, 2008, FROM A TENT IN THE PARKING LOT AT CUB FOODS.
- M. ADOPT **RESOLUTION NO. 08-100** APPROVING AN INTERIM CONDITIONAL USE PERMIT TO ALLOW TEMPORARY OUTDOOR SALES OF FIREWORKS FROM JUNE 20, 2008, TO JULY 6, 2008, FROM A TENT IN THE PARKING LOT AT MENARDS.

MOTION CARRIED 4-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

None.

PUBLIC HEARINGS

- A. 1) Hold the public hearing for the Lehigh and TH95 Improvement Project, and 2) Adopt the resolution ordering improvement for the Lehigh and TH95 Improvement Project.

The City Engineer displayed the projection location map, provided a project history, and cited the proposed cost summary and options.

Cost summary:

TH95 and Lehigh intersection improvements	\$245,700
Lehigh road improvements	\$151,400
Lehigh road drainage improvements	\$ 92,700
Drainage improvements	\$ 25,600
Total	\$515,400

MnDOT's cooperative agreement obligation is \$210,000.

The City's assessment policy is 45% of total cost.

Options:

1. Do nothing. Cost: \$5,300 for land acquisition.
2. Construct only the Lehigh and TH95 intersection. Cost: \$273,700.
3. Reconstruct the Lehigh and TH95 intersection and construct drainage repairs. Cost: \$364,000.

4. Reconstruct Lehigh Road (drainage and road) and construct TH95 and Lehigh.
Cost: \$515,400.
 - Suboption 1 – Bid Lehigh as alternate
 - Suboption 2 – Do not do drainage improvements outside the right-of-way
 - Suboption 3 – Alternative road constructive method with soil stabilizer

Mayor Pro Tem Rice opened the floor to Council questions.

Council Member Bailey asked whether a developer planning to develop some property at the site would be asked to pay for the road, and the City Engineer stated that developer would be asked to pay for the road directly abutting their property.

Mayor Pro Tem Rice asked for clarification between the drainage for options 2 and 3. The City Engineer stated that option 2 encompassed culverts, basin, infiltration, and some drainage. The City Administrator stated that a selection could be made in option 3 to do major drainage adjacent to Lehigh or minor improvements outside the right-of-way.

Mayor Pro Tem Rice opened the public hearing 8:11 p.m.

John Perkins, 10723 Lehigh Road South, referenced the neighborhood meeting three months ago when 15-20 residents complained about the proposed project and said the road's problem started with the City's lack of maintenance, the road's washed-out ditches, and the fact that the ditch is higher than the road. He emphatically expressed displeasure that ten land owners would have to do landscaping for someone else's property with the proposed improvements and said he felt the City was going in circles.

Mr. Perkins reported that he had interviewed and surveyed all 20 families that would be affected by the project and cited their responses to questions:

1. "The 95-Lehigh intersection and Lehigh Street with drainage should be two separate items." Approval response: 18.
2. "The 95-Lehigh intersection should be built according to plans, with the addition of a double yellow line from 110th Street north to Lehigh." Approval response: 18.
3. "The Lehigh Street with drainage should be cancelled." Approval response: 14.

He concluded his comments by admitting that putting off on drainage won't help the spring runoff but also said \$500,000 is a very large amount of money to spend.

Council Member Grossklaus said, if he understood correctly, that the affected residents wanted a double yellow line on TH 95 from the top of hill at 110th Street down to the intersection of Lehigh. The City Engineer stated that through the design process for the intersection with the State, she didn't anticipate that being a big hurdle to overcome.

There being no additional speakers, Mayor Pro Tem Rice closed the public hearing at 8:20 p.m.

Following several questions asking for clarification of the various options, the City Attorney

suggested that Council Members refer to Improvement Schedules A, B, C, and D for clarification assistance in considering any motion. She also asked for the City Engineer's response to the question about what the estimate would be for assessments and which parcels would be involved if only Schedule A improvements would be done. The City Engineer stated that the two abutting parcels would be assessed identified for Schedule A, Option 2 with the intersection, would have a \$6,496.88 value and cap of \$5,531.

Mayor Pro Tem Rice asked about the cost for drainage improvements, and the City Engineer stated that it is estimated at \$10,000, of which \$4,500 would need to be assessed.

Mayor Pro Tem Rice responded to an audience request to open the floor to additional comment.

Mr. Perkins said he'd heard the culverts had to be removed and commented the City would be throwing money out the window to do that. Jay Kennedy, WSB & Associates, said it would make sense to replace the culverts at the same time as a road shift would be made to the northeast, rather than extending the culvert and coming back a short time later. He said the two issues relate to alignment and longevity.

Responding to a question, Mr. Kennedy estimated that culverts would need to be replaced in ten years (at an approximate cost of \$2,800 for 24" culvert), given the fact that they would be metal and last a shorter amount of time compared to the life of the road which would last 30 years.

Council Member Grossklaus made the motion and Council Member Bailey agreed to add to his original motion a double yellow line to the intersection of TH 95 and Lehigh Street.

The City Attorney recommended that the final resolution specify for the record what improvement is being approved, other than just stating "as detailed in the feasibility report."

MOTION BY GROSSKLAUS, SECONDED BY BAILEY, TO ADOPT RESOLUTION NO. 08-101 ORDERING IMPROVEMENT FOR THE LEHIGH AND TH95 IMPROVEMENT PROJECT IDENTIFIED AS SCHEDULE A AND A PORTION OF SCHEDULE D, TH95 AND LEHIGH INTERSECTION IMPROVEMENTS, AND INCLUDE INSTALLATION OF A DOUBLE YELLOW LINE AT THAT INTERSECTION, AS WELL AS REQUEST FUTURE DISCUSSION CONCERNING THE ASSESSMENT OF THE TWO AFFECTED PARCELS.

Council Member Luden asked for confirmation that the resolution for improvement does not include drainage and so there would be no additional assessment to residents. The City Engineer stated that there would be storm water elements as part of the construction.

MOTION CARRIED 4-0.

Dennis Galloway, 10670 Lehigh, said he believed that the proposed culvert is under his driveway and wonders what would happen if 2009 costs rose for asphalt, whether the assessment would be locked into the \$5,500. The City Administrator stated that the storm

water work related to the project in the motion had just been funded by a different source and any assessment on the property as a result of the project had just gone down. He said the cost will be less than the projected \$5,531 and cut down by State aid.

Robert Gossin, 10771 Lehigh, said he would be in favor of the intersection improvement being assessed among the 20 affected residents (so as not to burden the two abutting property owners), and the City Administrator concurred that all of those residents would benefit from it at a cost of \$200 each.

Mayor Pro Tem Rice asked that assessment numbers come back to Council for review, and the City Administrator stated that only two of the 20 would be coming back.

BID AWARDS

None.

UNFINISHED AND NEW BUSINESS

- A. Consider authorizing staff to a submit bid on used artificial turf being sold by the City of Hastings.

The written report stated that the City of Hastings is accepting bids on artificial turf used for indoor soccer programs at the Hastings Civic Ice Arena, with a minimum bid of \$5,000 opening May 29. With the turf, there would be opportunity to use the new arena on a rental basis for indoor recreational activities such as soccer, softball, baseball, lacrosse, shows and exhibits at a rate of about \$50 per hour.

MOTION BY GROSSKLAUS, SECONDED BY BAILEY, TO AUTHORIZE STAFF TO SUBMIT A BID ON USED ARTIFICIAL TURF BEING SOLD BY THE CITY OF HASTINGS, CAPPING AT \$5,000.

MOTION CARRIED 4-0.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

None.

COUNCIL COMMENTS AND REQUESTS

Council Member Bailey said Strawberry Festival buttons (\$3 for the Royalty Scholarship Fund) and tee-shirts (\$10) are on sale at various City businesses and City Hall. He also reported that there is opportunity to purchase advanced tickets and save 30%.

The event will be held June 13-14 and events will lead up to it, including the June 1 Cottage Grove royalty fashion show 11 a.m. to 1 p.m. at the Mississippi Dunes and June 4 kick-off dinner 6-9 p.m. at River Oaks. A theme song has been produced by a local band entitled

“Strawberry Fest Forever.”

PAY BILLS

MOTION BY BAILEY, SECONDED BY LUDEN, TO APPROVE PAYMENT OF CHECK NUMBERS 155096 TO 155314 IN THE AMOUNT OF \$1,568,422.86.

MOTION CARRIED 4-0.

WORKSHOP SESSION – OPEN

None.

WORKSHOP SESSION – CLOSED

None.

ADJOURNMENT

MOTION BY LUDEN, SECONDED BY GROSSKLAUS, TO ADJOURN THE MEETING AT 8:48 P.M.

MOTION CARRIED 4-0.

Respectfully submitted,

Mary Heintz
TimeSaver Off Site Secretarial, Inc.