

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

June 4, 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

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: 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 4, 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

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: Council Member Pat Rice

ADOPTION OF AGENDA

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

MOTION CARRIED 4-0.

PRESENTATIONS

A. Girl Scout Gold Awards – Maia Corporaal, Michelle Davis, Stephanie Davis, Olivia Sitter, Sarah Thiede, Rose Toussaint

Mayor Shiely and the Council Members presented plaques to Maia Corporaal, Michelle Davis, Stephanie Davis, Olivia Sitter, Sarah Thiede, and Rose Toussaint honoring their achievement of the Girl Scouts Gold Award. Each recipient then described her project.

B. Green Garden Award Nomination Announcement

Brian Voelker of Public Works described the 2008 Green Garden Award, which is given to promote and reward residents and businesses who deserve recognition for their time, effort, and creativity in landscaping. Nominations are due June 27, 2008.

C. Strawberry Fest

Council Member Bailey described the festivities of the Strawberry Fest, to be held June 12-15 at Kingston Park and said there will be carnival rides, bands, a bingo tent, the Mayor's Challenge Cup, a kids tractor pull, and fireworks. Overviews were then provided by Justin Olson, who described the business expo (75-100 vendors), food vendors (13 this year), and car show; Ryan Rambacher described the entertainment (karaoke, parade winners and royalty staff, pie eating contest, makeup and hair events, "Do You Know Your Spouse" contest); Cindy Bailey described the parade (95 units) which starts at Crossroads Church and ends at Grey Cloud Elementary and referenced the website www.cottagegrovestrawberryfest.com; Betty Anderson described the pet show and trick triathlon; and Molly Pietruszewski described the ball games, 5K run, and children's one-mile run.

The Public Safety Director described Public Safety activities at the Fest where various demonstrations will be held and equipment will be on site including Police, Fire, and EMS.

Mayor Shiely thanked and acknowledged the hard work of Strawberry Fest staff and volunteers.

APPROVAL OF MINUTES

A. May 7, 2008, Regular Meeting

Council Member Luden requested that the minutes, under New Business, reflect “2007” on page seven, paragraph three, line three, so the sentence reads “Mr. Schleeter said none is planned other than to 3M, which received the plan in April 2007,” to more clearly designate the referenced time.

Mayor Shiely stated that the minutes stood approved as amended.

B. May 8, 2008 Special Joint Meeting with School District 833 Board (minutes prepared by SD833)

Mayor Shiely stated that the minutes stood approved as submitted.

CONSENT CALENDAR

Council Member Bailey pulled Item C to acknowledge the donation of a washer and dryer by Ann Rogers and thank her.

Mayor Shiely mentioned Item K, stating that she appreciated the finance report.

MOTION BY LUDEN, SECONDED BY BAILEY, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - I. PUBLIC SAFETY, HEALTH AND WELFARE COMMISSION MEETING FROM APRIL 15, 2008.
- B. AUTHORIZE ISSUANCE OF AN OUTDOOR EVENT PERMIT TO THE OSMAN SHRINE CAR SHOW FOR JULY 20, 2008 AT THE VFW RED BARN.
- C. ADOPT **RESOLUTION NO. 08-102** ACCEPTING THE DONATION OF A WASHER AND DRYER, VALUED AT \$200.00 EACH, FROM ANN ROGERS TO THE COTTAGE GROVE DEPARTMENT OF PUBLIC SAFETY, FIRE DIVISION.
- D. AUTHORIZE ISSUANCE OF A SINGLE-OCCASION GAMBLING PERMIT TO SOUTH WASHINGTON COUNTY SCHOOLS LIFELONG LEARNING FOUNDATION, INC. TO CONDUCT BINGO AT KINGSTON PARK ON JUNE 14, 2008 IN CONJUNCTION WITH STRAWBERRY FEST.
- E. RECEIVE INFORMATION ON 2008 PAVEMENT MANAGEMENT PROJECT.

- F. ADOPT **RESOLUTION NO. 08-103** APPROVING FINAL PAYMENT IN THE AMOUNT OF \$1,458.90 TO ACE BLACKTOP, INC. FOR THE 100TH STREET – INNOVATION ROAD BITUMINOUS STREET WIDENING PROJECT.
- G. RECEIVE INFORMATION ON GATEWAY POND.
- H. AUTHORIZE ISSUANCE OF OUTDOOR EVENT PERMITS FOR THE 2008 STRAWBERRY FEST AND THE WHIRLWIND MINISTRIES/FATHER’S DAY CHRISTIAN FESTIVAL.
- I. ADOPT THE RECORD OF DECISION, **RESOLUTION NO. 08-104** ADOPTING THE FINAL SCOPING DECISION, AND THE FINAL SCOPING DECISION DOCUMENT FOR THE PROPOSED NELSON MINE EXPANSION PROJECT.
- J. ADOPT **RESOLUTION NO. 08-105** APPROVING AN INTERIM CONDITIONAL USE PERMIT TO ALLOW TEMPORARY OUTDOOR SALES OF FIREWORKS FROM JUNE 20, 2008 TO JULY 7, 2008 FROM A TENT IN THE PARKING LOT AT 80TH STREET VILLAGE GREEN RETAIL CENTER.
- K. RECEIVE THE INTERIM FINANCIAL REPORT THROUGH APRIL 2008.

MOTION CARRIED 4-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

None.

PUBLIC HEARINGS

None.

BID AWARDS

- A. Consider awarding the contract for the US Bank Retaining Wall Project to Rosti Construction Company in the amount of \$134,216.00

The Community Development Director’s report provided a brief overview and he said the City will 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 GROSSKLAUS, SECONDED BY BAILEY, TO ADOPT **RESOLUTION NO. 08-106** AWARDING THE CONTRACT FOR THE US BANK RETAINING WALL PROJECT TO ROSTI CONSTRUCTION COMPANY IN THE AMOUNT OF \$134,216.00.

MOTION CARRIED 4-0.

UNFINISHED AND NEW BUSINESS

- A. Allow the representative for Las Margaritas Bar & Grill to admit to or deny the allegation that their establishment sold liquor to a minor less than 21 years of age during the Public Safety Department's compliance check on May 14, 2008

Las Margaritas Bar & Grill representative Nora Perez admitted guilt to the incident. She said it occurred when a new employee was 20 minutes into the shift and said the business is taking steps to avoid another incident from happening in the future, with extensive one-on-one training and additional training provided by Cottage Grove Police Captain Pete Koerner.

The Public Safety Director stated that compliance checks are held twice a year and are unannounced. He said the establishment was very up front about the incident and called police the day after to ask for training.

MOTION BY LUDEN, SECONDED BY GROSSKLAUS, TO IMPOSE THE SCHEDULED \$1,000.00 FINE TO LAS MARGARITAS BAR & GRILL FOR THEIR SECOND VIOLATION OF SELLING LIQUOR TO A MINOR LESS THAN 21 YEARS OF AGE IN A 24-MONTH PERIOD.

MOTION CARRIED 4-0

- B. Consider approving a variance to parking standards at G-Will Center, 8118 Hadley Avenue South, which includes deviations from parking ratio, stall size, and parking setbacks for a planned reconfiguration of the existing parking lot

The Community Development Director reported that the Planning Commission had considered the variance requests for the G-Will Center on June 2 and recommended Council approval of all requests and the key issue addressed by the Commission was providing pedestrian access to the site. He displayed the site drawing, described the proposed changes that include more extensive landscaping, number of parking spaces increased from 187 to 193 (but less than 246 requirement), and a few parking spaces reduced (from 20 to 18 feet), and parking setbacks. He also noted that all drive lanes remain the same at 24 feet.

Brandon Champeau thanked the City for turning the action around quickly and said the hope is to be done by summer's end. He added that the name has been selected for the site: 80th Street Crossing.

Council Member Grossklaus asked whether the entrance/exit on Hadley would be eliminated. The Community Development Director said it had been discussed with the County, who has control, and there have not been significant crashes at the site and the road seems to work. He added that closing the other access point may rationalize traffic flows.

Mayor Shiely asked whether traffic bumps would be utilized, and Mr. Champeau stated that they could be supplied if the City preferred. She also said she looks forward to the improvements, landscaping, new façade, water feature, sign, and said the whole corner intersection will be quite beautiful when everything is done and should attract tenants. Mayor Shiely thanked the Planning Commission for its review of the project.

MOTION BY BAILEY, SECONDED BY GROSSKLAUS, TO ADOPT **RESOLUTION NO. 08-107** APPROVING A VARIANCE TO PARKING STANDARDS AT G-WILL CENTER, 8118 HADLEY AVENUE SOUTH, WHICH INCLUDES DEVIATIONS FROM PARKING RATIO, STALL SIZE, AND PARKING SETBACKS FOR A PLANNED RECONFIGURATION OF THE EXISTING PARKING LOT.

MOTION CARRIED 4-0

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

None.

COUNCIL COMMENTS AND REQUESTS

Council Member Bailey asked whether there was additional information on the intersection of Hardwood and 70th Street. The City Administrator stated that City staff were able to meet with the County this week and it is anticipated there will be some restriping on 70th Street for a dedicated left-turn lane, warning signals will be placed in the fall allowing motorists to have advanced warning when signals are about to change as part of the 2012 project.

PAY BILLS

MOTION BY GROSSKLAUS, SECONDED BY BAILEY, TO APPROVE PAYMENT OF CHECK NUMBERS 155315 TO 155491 IN THE AMOUNT OF \$662,743.47.

MOTION CARRIED 4-0.

WORKSHOP SESSION – OPEN

A. Code Enforcement

The Community Development Director provided an overview of code enforcement activities that included common nuisance complaints (such as long grass and trash cans) and two areas of focus for inspections staff in 2008, those being rental unit inspections and identifying and monitoring vacant houses. He acknowledged City staff member Patty Dillon, who spent the day at Hugo on her own time helping to issue building permits following the storms that had devastated that area.

Total residential permits are up 4% over 2007 but down 25% from 2006 and commercial permits are up 5% over 2007. Property maintenance is up 89% and rental inspections up 98%, with 362 through May. Focus areas include grass complaints (from Public Works to Code Enforcement, due to duplicating efforts), sign enforcement (commercial and work-from-home signs), general complaints, and vacant houses (in large part due to increased foreclosures, last year 148 and could anticipate 240-250 this year).

Code Enforcement Officer Ben Pierson described the work he has done identifying and monitoring vacant properties, the process, how the information that is gathered is used (database forwarded to other departments) to help address public concerns in a more timely fashion.

Mayor Shiely commended him for the great work he has been doing with regard to rentals and foreclosures and said his work makes a difference, noting that rentals are a big issue with the Council and the foreclosure situation is serious.

Council Member Grossklaus inquired about compliance maintenance, and the Community Development Director stated that a builder still retains title to many of the properties and would be responsible.

Council Member Bailey asked what is evaluated when going into rentals, and the response was plumbing issues, appliances are sealed with no structural problems, furnaces and filters and in working order, and there are no fire hazards with dryer vents, etc.

Council Member Luden inquired as to how the determination is made as to where to go or the route to take, whether it's based on geography or past complaints. The response was that it typically is where he has been, identified neighborhoods, or violations have occurred. Some discussion ensued about the Accessory Apartment Law.

There being no further discussion, Mayor Shiely asked the City Attorney to describe reasoning for the Closed Workshop Session. She said it would be an update to Council on a special assessment case with Washington County District Court and receive direction on the US Homes special assessment.

The meeting adjourned at 8:48 p.m. to the Closed Session.

WORKSHOP SESSION – CLOSED

A. Legal Matters

Respectfully submitted,

Mary Heintz
TimeSaver Off Site Secretarial, Inc.