

Pursuant to due call and notice thereof, a regular meeting was duly held at the City Hall, 7516 80th Street South, on the 19th day of April, 1978 at 7:30 o'clock p.m.

The following members were present: Mayor Peterson
Councilman Denzer
Councilman Amundson
Councilman McHattie
Councilman Hammero

And the following were absent: None.

Mayor Peterson presided at the meeting.

The minutes of the April 5, 1978 regular meeting were reviewed.

Motion that the minutes of the April 5, 1978 regular meeting be approved with the following correction: that being on Page 11, first paragraph, line 3, after the word "safety" add the word "or" and after the word "other" delete the word "than", made by Councilman Denzer. Seconded by Councilman Amundson. Carried viva voce.

Councilman McHattie introduced the following resolution and moved for its adoption:

RESOLUTION NO. 78-36

RESOLUTION APPROVING CONSENT ITEMS ON CITY COUNCIL AGENDA
OF APRIL 19, 1978

RESOLUTION NO. 78-37 - RESOLUTION GRANTING CONDITIONAL USE PERMIT FOR COMMERCIAL RECREATION FACILITY, RESOLUTION NO. 78-38 - RESOLUTION GRANTING CONDITIONAL USE PERMIT FOR HOME OCCUPATION TO ARTHUR NAGY, and Scales Realty - General Contractor's License.

Passed this 19th day of April, 1978.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Amundson. Upon vote being taken thereon, the following voted in favor thereof: Councilman McHattie, Councilman Amundson, Councilman Hammero, Councilman Denzer and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

The Clerk presented an affidavit showing publication in the official newspaper of the Notice of Hearing to be held on this date and at this time with respect to the application of Dennis Woulfe for a Conditional Use Permit for a restaurant and "on sale" liquor establishment, which affidavit was examined, approved and ordered placed on file in the office of the City Clerk.

The Clerk then read aloud the Notice of Public Hearing.

The Mayor then opened the public hearing for consideration of any comments or objections.

Since the applicant was not in attendance at this time, motion was made that this matter be continued and brought up at the discretion of the Chair, made by Councilman McHattie. Seconded by Councilman Denzer. Carried viva voce.

The Council then considered Item VII-C - The recommendation of the Parks, Recreation & Natural Resources Commission concerning the installation of snow fence at the East Cottage Grove Ballfields.

31435

It was brought out by staff that the recommendation of the Parks Commission was based on the aesthetics of the fence and also the possible liability of someone getting injured on the fence. Staff also explained that the City did carry liability insurance and would be covered in case someone did file suit for being injured on the fence. It was also suggested that the posts holding the fence up should be padded.

Motion that the Council approve the Park Grove Slow Pitch League to install snow fence on the ballfields at East Cottage Grove, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

Ms. Mary Grace Flannery of the Metropolitan Council Housing and Redevelopment Authority staff, made a presentation to the Council concerning their new family housing program.

After the presentation, the Council asked various questions of Ms. Flannery concerning the project.

The Mayor directed that this matter be referred to the Human Services Commission for their review and comment. No further action taken.

Motion that the public hearing concerning the application of Dennis Woulfe for a Conditional Use Permit be continued at this time, made by Councilman Denzer. Seconded by Councilman McHattie. Carried viva voce.

Mr. Jim McKay, representing Walter Johnson, owner of the Cottage Square Shopping Center, appeared before the Council on behalf of the applicant and advised the Council as to where the proposed business would be located in the shopping center, the distances to the nearest homes and how the exterior of the building would be constructed.

Mr. Dennis Woulfe then made a presentation as to the proposed floor arrangement or lay-out of the interior.

Mr. Rolland Barber of 8287 Grenadier appeared before the Council with the concern of the noise that could be created by this type of business being located on the back side of the shopping center. It was his feeling that this business should be located in the front part of the shopping center facing Hadley Avenue.

Motion that the application of Dennis Woulfe for a Conditional Use Permit to construct a business consisting of a restaurant and "On Sale" liquor establishment on that property described as follows: "Tract A, Registered Land Survey #36, as on file in the office of the Registrar of Titles, Washington County, Minnesota," and commonly known as the Cottage Square Shopping Center, 8200 Hadley Avenue South, Cottage Grove, Minnesota, be approved subject to the following conditions:

- A. No live music should be allowed on the premises.
- B. No amusement devices should be allowed.
- C. Additional screening consisting of evergreen varieties should be established to screen the residential area at the back of the shopping center.
- D. No dancing should be allowed.
- E. A vehicular traffic plan should be submitted, showing the traffic circulation and parking arrangement at the back of the shopping center.
- F. Any exterior modification should consist of stucco material, utilizing the same architectural motif as on the front of the building.
- G. A mansard roof should be used at the back of the building to incorporate the proposed restaurant.

- H. The operator shall maintain at the property line, a noise level no greater than a particular number of decimals as recommended by the Minnesota Pollution Control Agency.,

and that the City Attorney is hereby directed to prepare the necessary resolution, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Motion that the application of Boondocks, Inc. for a Set Up License be tabled until the next regular Council meeting, made by Councilman Denzer. Seconded by Councilman Amundson. Carried viva voce.

The Council discussed the application of Vernon Eide for Rezoning. The Mayor directed that staff obtain information from the Engineer concerning the possibility of constructing a lift station for the sanitary sewer to serve this property and report back to the Council at the next regular meeting.

The notice of the change of the annual meeting of the Association of Metropolitan Municipalities was read. The Mayor advised the Council that he would be absent from the May 17, 1978 regular Council meeting to attend this meeting.

Motion that the Ordinance For The City Of Cottage Grove Amending The Zoning Ordinance To Provide For Environmental Assessment And Impact Statements be tabled, made by Councilman McHattie. Seconded by Councilman Denzer. Carried viva voce.

Councilman Amundson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 78-39

RESOLUTION GRANTING CONDITIONAL USE PERMIT FOR A MOTOR
FUEL STATION TO CLARENCE LINN

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Hammero. Upon vote being taken thereon, the following voted in favor thereof: Councilman Amundson, Councilman Hammero, Councilman McHattie, and Mayor Peterson. The following voted against the same: Councilman Denzer. Whereupon said resolution was duly declared passed and adopted.

Councilman Amundson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 78-40

RESOLUTION DENYING APPLICATION BY HOFFERT & HOFFERT
FOR REZONING

WHEREAS, Hoffert & Hoffert has made application for rezoning certain properties from "R-4" medium density residential to "R-5" multiple family district, and

WHEREAS, said property is legally described as follows:

The Southeast Quarter of the Northeast Quarter of Section 8, Township 27, Range 21, County of Washington, State of Minnesota, excepting that part located in Rolling Hills 1st Addition according to the recorded plat thereof, Washington, County, Minnesota,

and

The Northeast Quarter of the Southeast Quarter of Section 8, Township 27 Range 21, County of Washington, State of Minnesota

except

All that part of the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter; all in Section 8, Township 27, Range 21, Washington County, Minnesota, described as follows:

Beginning at the intersection of the southwesterly line of 75th Street South as platted in Rolling Hills 1st Addition, according to the recorded plat thereof; thence South 62 degrees 30 minutes 00 seconds East along said southwesterly line of 75th Street South, a distance of 43.00 feet; thence Southeasterly along said Southwesterly line of 75th Street South, on a tangential curve, concave to the Southwest, having a radius of 353.65 feet and a central angle of 17 degrees 07 minutes 16 seconds, for a distance of 105.68 feet; thence South 45 degrees 22 minutes 44 seconds East along said Southwesterly line of 75th Street South, a distance of 310.22 feet; thence South 33 degrees 14 minutes 17 seconds West a distance of 140.00 feet; thence North 45 degrees 22 minutes 44 seconds West a distance of 304.00 feet; thence North 51 degrees 35 minutes 27 seconds West a distance of 141.61 feet to said Southeasterly line of Hyde Avenue South; thence North 27 degrees 30 minutes 00 seconds East along said Southeasterly line of Hyde Avenue South, a distance of 130.00 feet to the point of beginning".

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove held a public hearing on said application on March 20, 1978 and recommended denial for several stated reasons, and

WHEREAS, this Council has heard and considered the presentation of the applicant and has heard and considered the statements of the nearby residents and property owners, now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that said Council hereby finds and determines:

1. That if the hereinbefore described parcels are developed at the maximum density allowed by the "R-5" multiple family district, traffic problems would be created.
2. That the City is unable to provide adequate police protection for a maximum density "R-5" development.
3. That the capacity of the presently existing sewer treatment plant is limited and that development on this parcel at the maximum density allowed by an "R-5" zone would exceed the sewer plant capacity.
4. That the proposed rezoning would have an adverse and detrimental effect upon the property values of the presently existing neighboring and surrounding single family dwellings.

BE IT FURTHER RESOLVED, that the application for rezoning shall be, and the same hereby is, denied.

Passed this 19th day of April, 1978.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: Councilman Amundson, Councilman Denzer, Councilman Hammero, Councilman McHattie, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

The Council reviewed the Ordinance For The City Of Cottage Grove Amending The City Code With Respect To Firearms.

Mr. Gene Smallidge appeared before the Council requesting that the Council reconsider the provision which would deny him, as a property owner, the right to hunt on his own property and also the requiring of the payment of a fee.

The Council directed that this proposed ordinance be referred back to the Public Safety Department for their rationale in proposing Section 27-10 of the ordinance.

Motion that the Council reconsider:

RESOLUTION NO. 78-39

RESOLUTION GRANTING CONDITIONAL USE PERMIT FOR A MOTOR
FUEL STATION TO CLARENCE LINN

WHEREAS, Clarence Linn has made application for a conditional use permit to erect and operate a motor fuel station on property located at the intersection of Hadley Avenue South and Grange Boulevard South, said property being described as:

That part of Tract B, Registered Land Survey No. 36, files of Registrar of Titles, County of Washington, except that part lying Southwesterly of a line described as commencing at the most Westerly corner of said Tract B; thence Northeasterly along the Northwesterly line of said Tract B, 147.00 feet to the actual point of beginning of the line to be described; thence Southeasterly, at right angles to said Northwesterly line to the Southerly line of said Tract B and there terminating.

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove commenced a public hearing on said application on October 24, 1977 and continued said hearing at the request of the applicant until February 28, 1978, and heard comments both for and against the proposal, and

WHEREAS, said Planning and Zoning Commission recommended approval of said application with the condition that no curb cuts be allowed on Hadley Avenue or Grange Boulevard, and

WHEREAS, this Council has heard and considered the plans and proposals of the applicant, now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the application by Clarence Linn for a conditional use permit for the erection and operation of a motor fuel station on the hereinbefore described property shall be, and the same hereby is, approved, on the condition that one curb cut be allowed on Grange Boulevard providing for traffic to make a right turn in and a right turn out of said motor fuel station and further that the said curb cut be a minimum of 124 feet from the Hadley Avenue South property line and on the further condition that one curb cut be allowed on Hadley Avenue South to provide for both righthand and lefthand turns into and out of the aforescribed property, with said curb cut being a minimum of 110 feet from the property line adjacent to Grange Boulevard.

Passed this _____ day of _____, 1978.

made by Councilman Hammero. Seconded by Councilman McHattie. Carried viva voce.

Motion that the foregoing resolution be amended by deleting the following: "to provide for both right hand and left hand turns into and out of the aforescribed property", made by Councilman Hammero. Seconded by Councilman Amundson. Carried viva voce.

Upon vote being taken on the original motion as amended, the following voted in favor thereof: Councilman Amundson, Councilman Hammero, Councilman McHattie, and Mayor Peterson. The following voted against the same: Councilman Denzer. Whereupon said resolution was duly declared passed and adopted.

The Mayor directed that the request of the Human Services Commission to place signs reading "Slow - Children Playing" or something similar at the head of all streets leading off of 80th Street be referred to the Public Safety Commission for their review and recommendation.

The Council reviewed the recommendation from the Public Health, Safety & Welfare Commission regarding the Pine Hill Traffic Sign Petition. The Clerk advised the Council that the State has completed their study and would be forwarding a copy of their recommendations within the near future.

Motion that the Council authorize and direct the Public Works Department to install signs at Fire Station #1 & #2, using the uniform fire station signing, made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

The Council reviewed the recommendation of the Public Health, Safety & Welfare Commission regarding the ramp at Fire Station #1. The Council was advised that staff is working with the District #9 Engineer to see if this matter can be resolved.

Motion that the Council approve the purchase of trees for Pine Tree Pond Park and Oakwood Park in the amount of \$1,167, as recommended by the Parks, Recreation and Natural Resources Commission, made by Councilman Hammero. Seconded by Councilman Amundson. Carried viva voce.

Motion that the Council accept the recommendation of the Parks, Recreation and Natural Resources Commission to leave the Recreation Center located on 85th Street, closed between September and May until a definite need or use is determined and funds are available for improving the center, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Motion that the Cottage Grove Police Department Annual Report for 1977 be accepted and ordered placed on file in the office of the City Clerk, made by Councilman McHattie. Seconded by Councilman Hammero. Carried viva voce.

Motion that the Council appoint the following persons to the Critical Area Advisory Committee:

James Mathison - 11611 Leeward Avenue So. Hastings, MN
Donald Kasel - 8412 115th Street So. Cottage Grove, MN
Linda Tomaselli - 8049 113th Street Ct. So. Cottage Grove, MN
James Stoker - 11640 Lockridge Avenue So. Hastings, MN
Bridget Crepeau - 7777 113th Street So. Cottage Grove, MN
Lorraine Schoenecker - 10655 Grey Cloud Tr. So. Cottage Grove, MN
Doyle Tomhave - 6511 103rd Street So. Cottage Grove, MN

made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

Motion that Councilman Hamnero serve as the Council representative on the Critical Area Advisory Committee, made by Mayor Peterson. Seconded by Councilman McHattie. Carried viva voce.

The Mayor appointed Councilman Hamnero as temporary chairman until the entire committee is formed.

Motion that the Council authorize staff to purchase the Pitney Bowes Copier that the City is currently renting, at a purchase price of \$4,995 and that said purchase be made on a three year lease purchase agreement with a 5% "buy out" after the three years, made by Councilman McHattie. Seconded by Councilman Amundson. Carried viva voce.

Motion that the cost for the grading of Woodridge Park be paid out of the Park Construction Fund, made by Councilman McHattie. Seconded by Councilman Hamnero. Carried 3 ayes, 2 nays. Councilman Amundson and Councilman Denzer voting nay.

Councilman Amundson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 78-41

RESOLUTION PROVIDING FOR NECESSARY APPROPRIATIONS AND
TRANSFERS FOR THE CONSTRUCTION OF THE HEARTHSTONE TENNIS
COURTS

WHEREAS, the City Council, on April 5, 1978, awarded the bid for the construction of the Hearthstone Tennis Courts to Warren Excavating Company in the amount of \$14,400.00 and the additional costs of the project amount to \$2,000.00, for a total project cost of \$16,400.00, and

WHEREAS, \$6,900.00 in grant funds was received in 1977, in the General Fund, for this project and \$6,900.00 was budgeted for 1978, in the General Fund, for this project, and

WHEREAS, an additional \$2,600.00 in monies will be needed to fully fund this project, now

THEREFORE, BE IT RESOLVED, by the Council of the City of Cottage Grove, County of Washington, State of Minnesota, that \$6,900.00 be appropriated in the Parks Maintenance Department of the General Fund from the fund balance of the General Fund for this project and that \$2,600.00 be transferred from the Park Dedication Fund to the General Fund and appropriated in the Parks Maintenance Department of the General Fund for this project to fully fund the cost of the construction of the Hearthstone Tennis Courts, along with \$6,900.00 previously budgeted in 1978 for this project.

Passed this 19th day of April, 1978.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman McHattie. Upon vote being taken thereon, the following voted in favor thereof: Councilman Amundson, Councilman McHattie, Councilman Hamnero, and Mayor Peterson. The following voted against the same: Councilman Denzer. Whereupon said resolution was duly declared passed and adopted.

Motion that the Council authorize staff to purchase one General Electric 5 watt 4 frequency portable radio unit including 3 tone squelch encode, insulated spring antenna, carrying case with swivel belt loop, rechargeable battery, 16 hour charger and a twelve month service contract, in the amount of \$1,106.00, made by Councilman

Council Meeting - April 19, 1978

-8-

Amundson. Seconded by Councilman Hamnero. Carried viva voce.

Motion that the Public Works Department be authorized to purchase one 718 hydrostatic drive tractor with 48 inch mower and electrical lift and 18 horse power engine, at a cost of \$2,719.00 from Gerlach Service, made by Councilman McHattie. Seconded by Councilman Hamnero. Carried viva voce.

Motion that Mary Pingley be appointed to the Public Safety Commission for a term to expire on January 1, 1979, made by Councilman Denzer. Seconded by Councilman Hamnero. Carried viva voce.

Motion that the resignation of Sandra Kopren from the Parks, Recreation & Natural Resources Commission be accepted and that a letter of appreciation be sent to her, made by Councilman McHattie. Seconded by Councilman Denzer. Carried viva voce.

Motion that the Council approve the continuation of St. Paul Employers Association as labor consultants for the City at a annual cost of \$2,500.00, made by Councilman Denzer. Seconded by Councilman Amundson. Carried viva voce.

Motion that Cynthia Kogler be hired as Secretary in the Police Department at a starting salary of \$665.00 per month on a six month probationary period, made by Councilman Denzer. Seconded by Councilman Hamnero. Carried viva voce.

Motion that the bills as presented be allowed, made by Councilman Amundson. Seconded by Councilman Hamnero. Carried viva voce.

Motion that the meeting be adjourned, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Meeting adjourned at 11:12 p.m.

Respectfully submitted,

Carl F. Meissner
Carl F. Meissner
Clerk Administrator

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 26 1978
Joan Anderson Howe
Secretary of State

31435
O.D.

31435
O.D.