

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

The following members were present: Mayor Peterson
Councilman Amundson
Councilman Hammero
Councilman Denzer
Councilman McHattie (Arrived at 7:33 p.m.)

And the following were absent: . None.

Mayor Peterson presided at the meeting.

The minutes of the May 17, 1978 regular meeting were reviewed. There being no additions or corrections, the minutes were approved as mailed.

The minutes of the June 5, 1978 special meeting were reviewed. There being no additions or corrections, the minutes were approved as mailed.

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

RESOLUTION NO. 78-61

RESOLUTION APPROVING CONSENT ITEMS ON CITY COUNCIL
AGENDA OF JUNE 7, 1978

RESOLUTION NO. 78-62 - RESOLUTION APPROVING CONDITIONAL USE PERMIT TO DENNIS WOUFLE FOR OPERATION OF A RESTAURANT IN A B-2 ZONE, RESOLUTION NO. 78-63 - RESOLUTION GRANTING CONDITIONAL USE PERMIT TO MANCHESTER RACQUETBALL CLUB FOR COMMERCIAL RECREATION FACILITY, RESOLUTION NO. 78-64 - RESOLUTION GRANTING TEMPORARY CONDITIONAL USE PERMIT TO HOLM & OLSON FOR OPEN SALES LOT, Acme Building Movers - House Moving License, D. J. Builders - General Contractors License, Quality Contractors - General Contractors License, J & B Heating Company - Heating Contractors License, Lake Elmo Heating & Air Conditioning - Heating Contractors License, and Accolade Paving - General Blacktopping Contractors License.

Passed this 7th day of June, 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 Denzer, Councilman Amundson, Councilman Hammero, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilman McHattie arrived at 7:33 P.M.

Motion that the application of Ronald R. Perry for a Solicitors License be approved, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

Motion that the application of A & F Auto Parts for a Conditional Use Permit be tabled until later in the meeting, made by Councilman Denzer. Seconded by Councilman McHattie. Carried viva voce.

Motion that the application of Small Engine Center for a Conditional Use Permit for a pylon sign to be 48 square feet, located at 11823 Pt. Douglas

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Drive be approved and that the Attorney is hereby directed to prepare the necessary resolution, made by Councilman Denzer. Seconded by Councilman Hamero. Carried viva voce.

Motion that the application of Superamerica for rezoning a parcel of property located in St. Paul Park Acre Lots and more specifically a parcel 200 feet by 250 feet located at the northwest corner of Harkness Avenue and Pt. Douglas Drive, from B-2 "Retail Business" to B-3 "General Business" be approved and that the Attorney is hereby directed to prepare the necessary ordinance, made by Councilman Denzer. Seconded by Councilman Amundson. Carried viva voce.

Motion that the application of Superamerica for a Conditional Use Permit for a motor fuel and convenience store to be located on that property in St. Paul Park Acre Lots located at the northwest corner of Harkness Avenue and Pt. Douglas Drive be approved, subject to the following conditions:

1. The applicant must submit a grading and utility extension plan to the City Engineer for review and approval.
2. Outdoor sales will only be allowed on the raised concrete slab in front of the building.
3. Landscaping, including a five foot high redwood basketweave fence, trees, grass, and shrubs must be installed as soon as practical, preferably prior to the opening of the station for business.
4. The trash container shall be screened by a completely enclosed brick accessory building.
5. The total area of signs shall not exceed 200 square feet. Only one free-standing sign of 78 square feet shall be allowed. Signs on the pump islands shall be considered informational and will not be included in the overall signage calculation.,

and further that the 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 Warner Hardware for a Variance on the size of a pylon sign be approved, provided the total signage does not exceed 175 square feet and the pylon sign does not exceed 132 square feet, made by Councilman Denzer. Seconded by Councilman McHattie. Carried viva voce.

Motion that the application of Earl K. Larson for a Lot Size Variance for a lot in East Cottage Grove, consisting of approximately 14,000 square feet, be approved, provided that no well in the area will be closer than 75 feet to any on-site disposal system and that percolation tests from the lot are completed and recorded at the City Hall, made by Councilman Denzer. Seconded by Councilman Hamero. Carried viva voce.

Motion that the application of Superamerica for a Minor Subdivision of property at the northwest corner of Harkness and Pt. Douglas Drive be approved and that the Attorney is hereby directed to prepare the necessary resolution, made by Councilman Hamero. Seconded by Councilman Denzer. Carried viva voce.

Motion that the application of Anthony P. Rinzel for a Side Yard Set Back Variance of one foot on his property located at 8884 Inman Avenue South, be approved, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

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The application made by John Nicosia for a Minor Subdivision was withdrawn. No action taken.

Motion that the application of the Cottage Grove VFW Post 8752 for a Set-Up License be approved, made by Councilman Denzer. Seconded by Councilman McHattie. Carried 4 ayes, 1 nay. Councilman Amundson voting nay.

Motion that the application of A & F Auto Parts for a Conditional Use Permit be removed from the table, made by Councilman McHattie. Seconded by Councilman Denzer. Carried viva voce.

The Council reviewed the application of A & F Auto Parts for a Conditional Use Permit. Representatives of A & F Auto Parts were in attendance to answer questions of the Council.

Motion that the application of A & F Auto Parts for a Conditional Use Permit for expansion of a Non-Conforming Use be denied for the following reasons:

1. The addition of the crushing machine to the operation has created a noise problem.
2. Traffic from the salvage yard is creating a problem.
3. The proposed expansion is twice the size of the existing operation.
4. The operator has not shown good faith in the past and code enforcement of the property has been a constant problem.
5. The area has been zoned residential for many years and homes are being constructed adjacent to A & F Auto Parts, causing land use conflicts.
6. Even after being advised that he was in violation of City Code, the operator has taken no significant action to clean up the premises prior to the review of his application for a Conditional Use Permit.,

and further that the Attorney is hereby directed to prepare the necessary resolution, made by Councilman Amundson. Seconded by Councilman Hammero. Carried 3 ayes, 2 nays. Councilman Denzer and Councilman McHattie voting nay.

Motion that the application of the Majestic Ballroom for a Set-Up License be approved, made by Councilman Hammero. Seconded by Councilman Denzer. Carried 4 ayes, 1 nay. Councilman Amundson voting nay.

Councilman Denzer introduced the following ordinance and moved for its adoption:

ORDINANCE NO. 283

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE ESTABLISHING
UNIFORM FIRE CODE PERMIT PROCEDURES AND FEES

The City Council of the City of Cottage Grove, Washington County, does hereby ordain:

SECTION 1. AMENDMENT. "The Code of the City of Cottage Grove, Minnesota," shall be amended by adding "Chapter 12, Article II, Sec. 12-13.1", as follows:

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Sec. 12-3.1. Code Modifications.

(a) PERMITS. Each permit issued by the fire department, pursuant to the Minnesota Uniform Fire Code shall be issued for a one-year period, unless otherwise provided in this Section. The annual calendar year permit fee shall be \$5.00, provided however, that if more than one permit is required for a single establishment, the maximum permit fee shall be \$7.50 per year. Tank installation permits shall be valid until revoked by the fire chief or his designee and the permit fee shall be \$15.00 per installation (not per tank). Permits issued for a period of less than ten days shall require a fee of \$5.00. Pro-rata adjustments, on a monthly basis, shall be made for permits in effect less than one full year. The chief of the fire department shall establish procedures and forms to carry out the intent of this Code section.

(b) APPEALS. Whenever the Fire Chief shall refuse to grant a permit, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the City Council within 30 days from the date of the chief's decision.

(c) NEW MATERIALS, PROCESSES OR OCCUPANCIES. The Chief of the Fire Department, the Building Inspector and the City Administrator shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies which shall require permits. The chief shall then effect changes of this Code.

(d) PENALTIES.

(a) Any person who shall violate any provision of this Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of these penalties shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication.

Passed this 7th day of June, 1978.

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

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

RESOLUTION NO. 78-65

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE 1970
STORM SEWER CONSTRUCTION FUND TO THE YELLOW STORM SEWER
CONSTRUCTION FUND

WHEREAS, there will be no further expenditures from the 1970 Storm Sewer Construction Fund for storm sewer oversizing in the Blue Area Storm Sewer District, and

WHEREAS, the current cash balance in this fund is \$58,073.71, and

WHEREAS, the cash balance in the Yellow Storm Sewer Construction is a deficit of \$67,711.64, now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the total cash balance in the 1970 Storm Sewer Construction Fund of \$58,073.71 be transferred to the Yellow Storm Sewer Construction Fund to help fund the deficit in this fund.

Passed this 7th day of June, 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 Hammero, Councilman Denzer, Councilman Amundson, Councilman McHattie, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

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

RESOLUTION NO. 78-66

RESOLUTION AMENDING RESOLUTION NO. 77-147; A RESOLUTION
ESTABLISHING AMBULANCE RATES

WHEREAS, the City of Cottage Grove operates an ambulance service in conjunction with the Cities of St. Paul Park, Newport and the Town of Grey Cloud, under a Joint Powers Agreement, and

WHEREAS, it is the recommendation of the South Washington County Ambulance Committee, which members have been appointed by the cities, to amend the ambulance rates for senior citizens, now

THEREFORE, BE IT RESOLVED, by the Council of the City of Cottage Grove, County of Washington, State of Minnesota, that Resolution No. 77-147 be amended to include a rate for senior citizens as follows:

Persons age 65 and over who have an annual total income of \$6,000 per married couple or less (from all sources) will pay only the amount Medicare pays, their insurance company pays, or welfare pays, or an equivalent amount to the aforementioned.

BE IT FURTHER RESOLVED, that this amount shall be effective June 1, 1978.

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Passed this 7th day of June, 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 McHattie, Councilman Denzer, Councilman Hammero, Councilman Amundson and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

The Council reviewed the memorandum from the City Planner regarding the Industrial Park Plan. The Council was advised that all of the changes as recommended by the various commissions would be incorporated into the Industrial Park Plan and the Plan would then be submitted to the Council for final approval.

The Planner advised the Council that there are conflicts in the City's Comprehensive Plan and Zoning Ordinance, as it relates to property located in the southeast 1/4 of Section 8.

Motion that the Planning Department be authorized to do a land use analysis of property located in Section 8 to consist of an analysis of land use alternatives and impacts on this area, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

The Council discussed the complaints that have been received concerning the operation of mini-bikes and other recreational type vehicles.

Motion that the Attorney be directed to prepare the necessary resolution, eliminating the mini-bike trails established in Hamlet and Woodridge Park, which would then provide that no unlicensed vehicles would be able to operate in the City unless on private property with the owner's permission; and that licensed vehicles would only be able to operate on the improved portion of any City street, made by Councilman Amundson. Seconded by Councilman Hammero. Carried 4 ayes, 1 nay. Councilman Denzer voting nay.

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

RESOLUTION NO. 78-67

REQUESTING THE METROPOLITAN COUNCIL HRA TO APPLY FOR
REHABILITATION GRANT FUNDS FOR THE CITY OF COTTAGE GROVE

WHEREAS, the City of Cottage Grove, Minnesota desires to assist low income homeowners in making repairs to their homes for the purpose of correcting defects affecting directly the safety, habitability, energy usage, or accessibility of the property, and

WHEREAS, the Minnesota Housing Finance Agency has funds to be used for such purposes, and will accept applications from housing and redevelopment authorities desiring to administer these Home Improvement Grant Program funds, and

WHEREAS, the Metropolitan Council has been duly organized pursuant to Minnesota Statutes 1976, Section 473.123 and has all of the powers and duties of a housing and redevelopment authority pursuant to Minnesota Statutes 1976, 473.193 under the provisions of the Municipal Housing and Redevelopment Act, Minnesota Statutes 1976, Sections 462.411 to 462.711, and

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Council is hereby re-

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requested to include the City of Cottage Grove, Minnesota in an application for state Home Improvement Grant Program funds, and that upon approval of such application, the City and the Metropolitan Council will enter into an agreement for operating the program within the City.

Passed this 7th day of June, 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 Denzer, Councilman McHattie, Councilman Amundson, Councilman Hamnero, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

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

RESOLUTION NO. 78-68

RESOLUTION AWARDING BID FOR ONE NEW OR USED TANKER TRUCK
CHASSIS

WHEREAS, the City of Cottage Grove received bids for the purchase of one new or used tanker truck chassis, and

WHEREAS, as part of the specifications, it was required that the bidder submit a bid bond, certified check, or cash deposit in an amount equal to at least five percent of the amount bid, and

WHEREAS, only one bid was received and that this bidder being Merit Chevrolet Company did not comply with this provision of the specifications, and

WHEREAS, it appears that Merit Chevrolet Company is the lowest responsible bidder and it is the recommendation of the Chief of the Grove-Estate Fire Department that the contract be awarded to Merit Chevrolet Company, now

THEREFORE, BE IT RESOLVED, by the Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the requirement for the submission of a bid bond, certified check, or cash deposit be waived and that the Council award the bid for the purchase of one used tanker truck chassis to Merit Chevrolet Company in the amount of \$11,500.

Passed this 7th day of June, 1978.

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

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

ORDINANCE NO. 284

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE AMENDING
THE CITY CODE WITH RESPECT TO FIREARMS

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The City Council of the City of Cottage Grove, Washington County, Minnesota, does ordain as follows:

SECTION 1. AMENDMENT. "The Code of the City of Cottage Grove, Minnesota," shall be amended by amending "Chapter 27, Article II, Sec. 27-8" to read as follows:

Sec. 27-8. Firing ranges.

The terms of this article shall not prohibit the possession or discharge of firearms upon a firing range, either indoor or outdoor, provided such range is properly equipped and supervised to insure reasonable safety as determined by the certificate of the chief of police of the City or pursuant to licensing ordinances hereinafter enacted for such ranges. No firing range shall be constructed without prior thorough investigation by the police department and approval of the City Council.

SECTION 2. AMENDMENT. "The Code of the City of Cottage Grove, Minnesota," shall be amended by amending "Chapter 27, Article II, Sec. 27-12", to read as follows:

Sec. 27-12. Possession by minors.

No minor under the age of twelve years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm or air gun of any kind for hunting, target practice or any other purpose.

SECTION 3. AMENDMENT. "The Code of the City of Cottage Grove, Minnesota," shall be amended by amending "Chapter 27, Article II, Sec. 27-15" to read as follows:

Sec. 27-15. License to carry concealed weapons.

The chief of police of the City may grant to such persons as he may think proper, license to carry concealed weapons, and he may revoke any such license with just cause. Application for such license shall be made to the chief of police of the City in writing, and when granted, the person applying therefor shall pay into the city treasury the sum of two dollars, and thereupon a license shall be issued by the city clerk and signed by the chief of police. Every such license shall state the name, age, location and residence of the person to whom it is granted and shall expire one year from its date of issue.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 7th day of June, 1978.

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

Mayor Peterson excused at 9:10 p.m.

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Acting Mayor Amundson presided over the remainder of the meeting.

The Council reviewed the annual report on municipal state-aid roads and the supplement to this report dated April 17, 1978.

Motion that the Council approve the additional designation of the following streets to the municipal state-aid system: Jamaca Avenue between 70th Street and the north City limits, and 77th Street from Lamar Avenue to Trunk Highway 95, made by Councilman McHattie. Seconded by Councilman Hammero. Carried viva voce.

Motion that the Council approve the lease agreement between Independent School District #833 and the City of Cottage Grove for the leasing of two school busses to be used for the summer recreation programs and that the Clerk is hereby authorized to sign said lease agreement, made by Councilman McHattie. Seconded by Councilman Denzer. Carried viva voce.

The Council reviewed the report from staff regarding the speed limit zone adjacent to Pinehill Elementary School.

Motion that the Council request the Minnesota Department of Transportation to re-study the traffic problem on Hadley Avenue South, adjacent to Pinehill Elementary School and make them aware of the difficulties that the neighborhood residents perceive, made by Councilman McHattie. Seconded by Councilman Denzer. Carried viva voce.

Motion that Dennis Dolan be appointed to the Planning Commission for a term ending January 1, 1981, made by Acting Mayor Amundson. Seconded by Councilman Hammero. Carried viva voce.

Motion that Mark Weigel be appointed to the Economic Development Commission for a term ending January 1, 1981, made by Councilman Denzer. Seconded by Councilman McHattie. Carried viva voce.

Motion that Joseph Peter Schnide be appointed to the Parks, Recreation and Natural Resources Commission for a term ending January 1, 1980, made by Councilman McHattie. Seconded by Councilman Hammero. Carried viva voce.

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

RESOLUTION NO. 78-69

RESOLUTION APPROVING GRANT FOR OUTDOOR ATHLETIC COURT
DEVELOPMENT

WHEREAS, the City of Cottage Grove has made application for an Outdoor Athletic Court Development Grant for the construction of tennis courts at Woodridge Park, and

WHEREAS, the City has been notified by the Office of Local and Urban Affairs that its grant application is being funded with \$12,500 of State Grant Funds, which is 50% of the total cost of development, and

WHEREAS, the City, out of its Park Construction Fund, will be supplementing this grant in the amount of \$12,500, now

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THEREFORE, BE IT RESOLVED, that the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, hereby accepts the Outdoor Athletic Court Development Grant in the amount of \$12,500, and

BE IT FURTHER RESOLVED, that the State Outdoor Recreation Grant Project Agreement be approved and that the Mayor and Clerk are hereby authorized to sign said agreement.

Passed this 7th day of June, 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 Hammero, Councilman McHattie, Councilman Denzer, and Acting Mayor Amundson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that the Council approve the promotion of Kevin Raun from C.S.O./E.M.T. to C.S.O./Paramedic effective June 1, 1978 and that said promotion be for a six month probationary period, made by Councilman McHattie. Seconded by Councilman Hammero. Carried viva voce.

Motion that the claim of Mrs. David Steichen in the amount of \$500 for the loss of a piano be denied, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

Motion that the Council approve the application of the Cottage Grove Jaycees to conduct a fireworks display on the 4th of July and further that the Council approve the payment to the Jaycees of \$150 for fireworks, made by Councilman McHattie. Seconded by Councilman Hammero. Carried viva voce.

Mr. William Buth appeared before the Council indicating a concern over the watering ban that has been initiated by the City.

Acting Mayor Amundson directed staff to provide the Council with a report on the number of wells the City currently has, the pumping capacity, storage capacity and a possible solution to improving the watering system so that watering bans could be avoided.

Acting Mayor Amundson directed staff to check on the Indian Boulevard drainage problem to see if it has been corrected as proposed.

Acting Mayor Amundson requested that the memorandum from the Administrator concerning moderate income housing be referred to the Human Services Commission and also placed on the June 21st regular Council Agenda for discussion.

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

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

Meeting adjourned at 10:08 p.m.

Respectfully submitted,

Carl F. Meissner
Carl F. Meissner
Clerk Administrator

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 14 1978

Jean Anderson Howe
Secretary of State

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