

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 July, 1978 at 7:30 o'clock p.m.

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

And the following were absent: None

Mayor Peterson presided at the meeting.

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

The minutes of the July 13th, 1978 special meeting were reviewed. There being no additions or corrections, the minutes were approved as mailed.

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 the Cottage Grove Athletic Association for a Temporary On Sale Non-Intoxicating Malt Liquor License, 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 Hearing.

The Mayor then opened the hearing for consideration of any comments or objections. There being none, motion that the application of the Cottage Grove Athletic Association for a Temporary On Sale Non-Intoxicating Malt Liquor License for August 12th and 13th at Hamlet Park be approved, made by Councilman Denzer. Seconded by Councilman McHattie. Carried 4 ayes, 1 nay. Councilman Amundson voting nay.

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 the Cottage Grove Athletic Association for a Temporary On Sale Non-Intoxicating Malt Liquor License, 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 Hearing.

The Mayor then opened the hearing for consideration of any comments or objections. There being none, motion that the application of the Cottage Grove Athletic Association for a Temporary On Sale Non-Intoxicating Malt Liquor License for July 28th, 29th and 30th, 1978 at Hamlet Park be approved, made by Councilman Denzer. Seconded by Councilman McHattie. Carried 4 ayes, 1 nay. Councilman Amundson voting nay.

The Council reviewed the request of Orrin Thompson Homes to remove dirt from the Woodridge Park.

Motion that the request of Orrin Thompson Homes to remove fill materials from Woodridge Park be approved on a condition that they pay the city the applicable rate for said dirt, made by Councilman Denzer. Seconded by Councilman Amundson. Carried viva voce.

#31583

The Council reviewed the Notice of Rate Increase received from Western Union Telegraph Company.

Motion that the Council accept the Notice of Rate Increase from Western Union Telegraph Company, and that said notice be placed on file in the office of the City Clerk. Made by Councilman Denzer. Seconded by Councilman McHattie. Carried viva voce.

Motion that the application of Gayle Augustine for a variance on the lot size for setback requirements of the Zoning Ordinance for that property described as part of Section 26 and commonly known as 10445 Kimbro Avenue South be approved subject to the following conditions: 1. no substantial alterations will be made to the natural drainage pattern 2. the lot development shall not interfere with the agricultural land, made by Councilman Denzer. Seconded by Councilman Hammero. Carried 4 ayes, 1 nay. Councilman Amundson voting nay.

Motion that the Following license application be approved: Timmers Roofing & Siding Company, Roofing & Siding Contractor, Boehm Heating Company-Heating Contractor, Northeast Sheet Metal - Heating Contractor, Marlin Rabe General Black Topping Contractor and John Veissel Inc. Roofing and Siding Contractor made by Councilman Amundson. Seconded by Councilman Hammero. Carried viva voce.

Motion that the application of James Williams Gibney for a solicitors license be approved made by Councilman Amundson. Seconded by Councilman Hammero. Carried viva voce.

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

RESOLUTION NO. 78-76

RESOLUTION REQUESTING DISASTER RELIEF FUNDS

BE IT RESOLVED BY Council of City of Cottage Grove that Carl F. Meissner, Clerk-Administrator, 7516 80th Street South, Cottage Grove, Minn. 55016 is hereby authorized to execute for and in behalf of City of Cottage Grove, Washington County, a public entity established under the laws of the State of Minnesota, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund.

Passed this 19th day of July, 1978.

Motion for the adoption for 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.

City Planner, Mr. Rick Lewis advised the Council as to his concerns regarding the Housing Chapter Amendments to the Metropolitan Development Guide.

Mayor Peterson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 78-77

RESOLUTION OPPOSING THE AMENDMENTS TO THE HOUSING CHAPTER
OF THE METROPOLITAN DEVELOPMENT GUIDE RELATING TO COTTAGE
GROVE'S FULL SHARE GOAL FOR LOW AND MODERATE INCOME HOUSING.

WHEREAS, the Metropolitan Council is in the process of amending the Housing Chapter of the Metropolitan Guide, and

WHEREAS, the proposed amendments will increase the City of Cottage Grove's full share goal for new subsidized housing units by 246 percent over the existing goal, and

WHEREAS, the suggested full share goal for new subsidized units when combined with the goal for modest cost housing will represent over 46 percent of all new households projected to be constructed during the next ten (10) years, and

WHEREAS, the City of Cottage Grove does not have projected employment opportunities or services within the community to support this amount of persons of modest income, and

WHEREAS, it is not economically feasible nor reasonable to expect a developing suburb in the Metropolitan area to provide this percentage of households for families of below average incomes, and

WHEREAS, the Housing Element Content guidelines suggest an analysis and implementation program for more extensive than was implied during the development of the Cottage Grove's system statement, and

WHEREAS, these suggested guidelines imply that a community's comprehensive plan will not receive a favorable review unless adhered to, and

WHEREAS, guidelines in this detail will severely limit the local planning process and restricts flexibility in planning, and

WHEREAS, the information needed to complete the housing element will not be available in reliable detail until after the 1980 census, and

WHEREAS, the City of Cottage Grove does not have local funds or personnel to complete such an extensive housing analysis and program, now

THEREFORE, BE IT RESOLVED, that the City Council of the City of Cottage Grove objects to the Housing Chapter Amendment relating to the proposed full fair share of new subsidized housing units for low and moderate income families and requirements to provide information not available until after the deadline for the adoption of local plans, now

BE IT FURTHER RESOLVED, that the Cottage Grove City Council also objects to the apparent attempt to coherse local governments into developing housing planning work programs to reflect the predetermined opinions and objectives of the Metropolitan Council and thereby restricting the process in which local communities should use to develop reasonable housing goals which reflect local issues and community attitudes.

Passed this 19th day of July, 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: Mayor Peterson, Councilman Denzer, Councilman McHattie, Councilman Hammero.

The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilman Amundson was designated as the city's representative to appear at the hearing before the Metropolitan Council representing the City and to present the previously adopted resolution.

The Council reviewed the preliminary report received from the engineer on the Highlands 1st Addition Storm Sewer Addendum #1.

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

RESOLUTION NO. 78-78

RESOLUTION RECEIVING REPORT AND CALLING HEARING ON
IMPROVEMENT OF STORM SEWER HIGHLAND 1ST ADDITION

WHEREAS, pursuant to resolution of the Council adopted on July 13, 1978 a report has been prepared by Bonestroo, Rosene, Anderlik & Associates, Inc. with reference to the improvements of the storm sewer system on Idsen Avenue South between 65th Street South and 68th Street South and this report was received by the Council on July 19, 1978, now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that (1) the Council will consider the improvement of such storm sewer system in accordance with the report and pursuant to Minn. Stats., Secs. 429.011 to 429.111 (Laws 1953, Ch. 398, as amended). The area proposed to be assessed for such improvement is all that property located in the West one half (W. 1/2) of Section 4, T.27 N., R 21 W. located in the City of Cottage Grove. The estimated cost of such improvement is \$40,700. (2) a public hearing shall be held on such proposed improvements on the 16th day of August, 1978, in the Council Chambers of the City Hall located at 7516 80th Street South in said city at 7:30 o'clock p.m., and the Clerk shall give mailed and published notice of such hearing and improvement as required by law.

Passed this 19th day of 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.

Mr. Seegar Swanson of Ehlers and Associates, Inc., the city's bonding consultant appeared before the Council and presented a written and oral report in regard to the possibility of advance refunding some of the existing debt of the City.

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

RESOLUTION NO. 78-79

RESOLUTION PROVIDING FOR PUBLIC SALE OF \$2,230,000
GENERAL OBLIGATION REFUNDING IMPROVEMENT BONDS

BE IT RESOLVED, by the City Council of the City of Cottage Grove, Minnesota as follows:

1. Bonds Authorized. The City presently has outstanding the following issues of improvement bonds:

<u>Issue</u>	<u>Date of Issue</u>	<u>Outstanding Bonds</u>
General Obligation Storm Sewer Bonds	April 1, 1971	\$860,000
General Obligation Improvement Bonds	April 1, 1974	880,000
General Obligation Improvement Bonds	December 1, 1975	650,000
General Obligation Improvement Bonds	August 1, 1975	495,000
General Obligation Improvement Bonds	July 1, 1976	905,000

The City has been advised by Ehlers & Associates, Inc., financial consultants to the City, that the interest cost to the City could be substantially reduced by refunding in advance of maturity all outstanding bonds of the above issues (except the General Obligation Improvement Bonds, dated April 1, 1974), and that the refunding program could, at present, be undertaken in such a manner as to comply with Minnesota Statutes and applicable Federal laws and Internal Revenue Service Regulations relating to "arbitrage bonds". With respect to the 1974 Improvement Bonds, the financial consultants have recommended refunding in order to extend the maturities so as to alleviate the deficiency presently existing in the fund established for payment of said bonds. It is hereby found and determined to be in the bests of the City to proceed with the advertisement for sale of \$2,230,000 General Obligation Refunding Improvement Bonds for such purpose.

2. Bond Terms; Sale. Ehlers and Associates, Inc., financial consultants to the City, have presented to this Council forms of the Official Notice of Sale and abbreviated Notice of Sale for publication, which are attached hereto, and which are hereby approved and shall be placed on file by the Clerk-Administrator. Each and all of the provisions of the Official Notice of Sale are hereby adopted as the terms and conditions of said bonds and of the sale thereof; and this Council shall meet at the time and place specified in the Official Notice of Sale for the purpose of considering sealed bids for the purchase of said bonds.

3. Publication of Notice. The Clerk-Administrator is authorized and directed to cause the abbreviated Notice of Sale to be published once in the official newspaper, which is a legal newspaper having a general circulation within the City, and once in the Finance & Commerce, a financial periodical published in Minneapolis, both publications to be at least ten days before the date of said meeting.

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 Hammero, Councilman Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that the Council appoint Ehlers and Associates., Inc. to act as financial consultants in the contemplated advance refunding of \$2,230,000 general obligation bonds of the City and that the Mayor and Clerk are hereby authorized to enter into and sign the agreement between Ehlers and Associates and the City, made by Councilman Hammero. Seconded by Councilman McHattie. Carried viva voce.

Mr. Terry Creegan, Director of the South Communities Youth Service Bureau appeared before the Council and explained the operation of the Youth Service Bureau and also the estimated cost to operate the bureau through December, 1980.

Various citizens who have used the Youth Service Bureau spoke in favor of the bureau and how it has helped them.

The Council reviewed the staff report concerning the application of Secure Properties for a Conditional Use Permit to operate a gravel pit.

Motion that the City Attorney be and hereby is directed to prepare the necessary resolution to deny the application of Secure Properties for a Conditional Use Permit to operate a gravel pit and that said resolution list the reason for the denial, made by Councilman McHattie. Seconded by Councilman Hammero. Carried 4 ayes, 1 abstention. Councilman Denzer abstaining.

Motion that the Conditional Use Permit of Secure Properties for the operation of a gravel pit be extended to August 2nd, 1978, made by Councilman McHattie. Seconded by Councilman Denzer. Carried 4 ayes, 1 nay. Mayor Peterson voting nay.

Motion that the Council hold a public hearing on the revocation of the license of Jager Gravel and Excavating Company as a gravel pit operator at the next regular meeting of the Council and that staff notify the appropriate licensee, made by Councilman Amundson. Seconded by Councilman Hammero. Carried viva voce.

The Council reviewed the Industrial Park Plan as recommended by the Planning Commission.

Motion that the Council accept and approve the Industrial Park Plan and that said plan be used as a development guide for the area and be incorporated into the City's Comprehensive Plan, made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

Motion that the City Attorney be and hereby is directed to prepare an ordinance providing for the registration of recreational vehicles, made by Councilman Denzer. Seconded by Councilman McHattie. Carried 4 ayes, 1 nay. Mayor Peterson voting nay.

The Clerk advised the Council that various persons who have moved from the community have requested refunds for dog licenses purchased. No action taken.

Motion that the agreement between the County of Washington and the City for ambulance service be approved and that the Mayor and Clerk are authorized to sign said agreement, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

Motion that James Huffman be promoted to the rank of Community Service Officer/Paramedic, effective August 1, 1978, and that this employee serve a six month probationary period, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

Motion that the resignation of Patricia Overholser from the Economic Development Commission be accepted and that a certificate of appreciation be sent, made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

Motion that the annual report of the Association of Metropolitan Municipalities be accepted and placed on file, made by Councilman Amundson. Seconded by Councilman McHattie. Carried viva voce.

Motion that the Council authorize one staff person to attend the National League of Cities Convention in St. Louis, made by Councilman Denzer. Seconded by Councilman Hamnero. Carried 4 ayes, 1 nay. Councilman Amundson voting nay.

Motion that the Council authorize one Councilman to attend the National League of Cities Convention in St. Louis, made by Mayor Peterson. Seconded by Councilman Denzer. Carried 3 ayes, 2 nays. Councilman Hamnero and Councilman Amundson voting nay.

Motion that the resignation of Forbes Martinson from the Board of Director of the South Communities Youth Service Bureau effective August 1, 1978, be accepted with regret, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

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

RESOLUTION NO. 78-80

RESOLUTION DESIGNATING THE FARMERS AND MECHANICS
SAVINGS BANK AS THE DEPOSITORY FOR SAVING ACCOUNT
MONIES

BE IT RESOLVED, by the Council of the City of Cottage Grove, Washington County, State of Minnesota that the Farmers and Mechanics Savings Bank of Minneapolis, Minnesota, hereinafter called the bank, be and hereby is designated as the depository for saving account monies of the City and that the proper officers of this Corporation are authorized to open or cause to be opened an account or accounts with said bank on such terms, conditions, and agreements as shall be required by said bank and

BE IT FURTHER RESOLVED, that the funds of said City be and the same as hereby authorized to be added to or paid into a savings account or for the purchase of Saving Certificates, in the Farmers and Mechanics Savings Bank of Minneapolis, Minnesota and that said institution be and it is hereby authorized to pay withdrawals until further written notice to it, signed in the name of the organization as indicated below, by the following person:

Carl F. Meissner
Clerk-Treasurer

Said institution is authorized to supply and endorsement for the undersigned on any check or other instrument tendered for this account and hereby relieved of any liability in connection with collection of such items, which are handled by it without negligence and it shall not be liable for the acts of its agents, sub-agents or others or any casualty. Withdrawals may not be made on account of such items until collected and any amount not collected may be charged back to this account including expenses incurred, and any other outside expenses incurred on account of this account may be charged to it, and

BE IT FURTHER RESOLVED, that all transactions, if any, in respect to any deposits by or on behalf of the City with said bank prior to the adoption of this resolution, be and the same hereby are in all things ratified, approved and confirmed.

Passed this 19th day of July, 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 Hammero, Councilman Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

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

ORDINANCE NO. 286

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE AMENDING
THE CITY CODE TO PROVIDE FOR THE ISSUANCE OF SUNDAY
LIQUOR LICENSES

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 3, Division 2, Sec. 3-13" to read as follows:

Division 2. Licenses.

Sec. 3-13. Required; types generally.

No person, except wholesalers or manufacturers to the extent authorized under state license, shall directly or indirectly deal in, sell or keep for sale any intoxicating liquor without first having received a license to do so as provided in this article. Licenses shall be of four kinds: "On-sale," "on-sale special club," "off-sale," and "on-sale Sunday" licenses.

(a) "On-sale" licenses shall be issued only to hotels, clubs, restaurants and exclusive liquor stores as follows:

(1) Two licenses may be issued to exclusive liquor establishments where the furnishings, fixtures and structure, exclusive of land and stock in trade, have a fair market value of more than fifty thousand dollars.

(2) Two licenses may be issued to exclusive liquor establishments where the furnishings, fixtures and structure, exclusive of land and stock in trade, have a fair market value of more than one hundred thousand dollars.

(3) Six licenses may be issued to hotels, clubs and restaurants where the furnishings, fixtures and structure, exclusive of land and stock in trade, have a fair market value of more than two hundred thousand dollars.

(b) "On-sale special club" licenses shall be issued only to special clubs as defined in section 3-6.

(c) "Off-sale" licenses shall be issued only to exclusive liquor stores where the furnishings, fixtures and structure, exclusive of land and stock in trade, have a fair market value of more than thirty-five thousand dollars. One license may be issued for each seven thousand five hundred of city population or fraction thereof, as determined by the most recent metropolitan council population estimates or other reliable source.

(d) "On-sale wine" licenses shall be issued only to restaurants having facilities for seating not fewer than seventy guests at one time. Such licenses shall be in addition to the number of "on-sale" licenses authorized.

(e) "On-sale Sunday" licenses shall be issued only to hotels or restaurants or clubs which have facilities for serving food to not less than 30 guests at one time and which have been issued an "on-sale" license.

SECTION 2. AMENDMENT. "The code of the City of Cottage Grove, Minnesota," shall be amended by amending "Chapter 3, Division 2, Sec. 3-19," to read as follows:

Sec. 3-19. Fees--Amount.

The following fees are established:

(a) The annual license fee for an "on-sale" license shall be three thousand dollars.

(b) The annual license fee for an "off-sale" license shall be two hundred dollars.

(c) The annual license fee for an "on-sale special club" license shall be one hundred dollars.

(d) The annual license fee for an "on-sale wine" license shall be two hundred dollars.

(e) The annual license fee for an "on-sale Sunday" license shall be two hundred dollars.

SECTION 3. AMENDMENT. "The code of the City of Cottage Grove, Minnesota," shall be amended by amending "Chapter 3, Division 2, Sec. 3-21," to read as follows:

Sec. 3-21. Same--Proration; refund for issued license.

(a) The fee for an "on-sale" license granted after the commencement of the license year shall be prorated on a monthly basis. "On-sale special club," "on-sale Sunday", and "off-sale" licenses shall be prorated on a quarterly basis.

(b) When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee for the initial license period shall be ninety days after approval of the license by the city council or upon the date the building is ready for occupancy, whichever is sooner.

(c) Except as provided by this section, no part of the fee paid for any license issued under this article shall be refunded, nor shall any portion of the fee determined to be due for a license issued under this article be cancelled. Applications for refund of

liquor license fees may be considered by the village council when the operation of the licensed business has ceased for any of the following reasons:

(1) Destruction of the licensed premises by fire or damage by fire to such an extent that the license ceases to carry on the licensed business, or destruction or damage to such extent by any other catastrophe or cause.

(2) Discontinuance of the business of the licensee by reason of death or illness of the licensee.

(3) A change in the liquor status of the municipality which makes it unlawful for the licensed business to continue.

In the event of application for refund for any of the foregoing reasons, which application shall be made within thirty days after the happening of any such event, the village council may, at its discretion, refund a prorated portion of such license.

SECTION 4. AMENDMENT. "The code of the City of Cottage Grove, Minnesota," shall be amended by amending "Chapter 3, Division 2, Sec. 3-24," to read as follows:

Sec. 3-24. Investigation of application; notice and conduct of public hearing generally; approval of license.

All applications for a license shall be referred to the chief of police, and to such other village departments as the village council shall deem necessary, for verification and investigation of the facts set forth in the application. The chief of police shall cause to be made such investigation of the information requested in subsection (c) of section 3-16, as shall be necessary and shall make a written recommendation and report to the license board or to the village council, as the case may be, which shall include a list of all violations of federal or state law or municipal ordinance. The license board or village council may order and conduct such additional investigation as it shall deem necessary.

Upon receipt of the written report and recommendation by the chief of police and within twenty days thereafter, the village council shall instruct the village clerk to cause to be published in the official newspaper ten days in advance, a notice of a hearing to be held by the village council, setting forth the day, time and place when the hearing will be held, the name of the applicant, the premises where the business is to be conducted, the nature of the business and such other information as the village council may direct. At the hearing, the opportunity shall be given to any person to be heard for or against the granting of the license. A license, other than a renewal or "on-sale Sunday" shall not be approved before the next regular meeting of the village council following such hearing.

Applications for "on-sale Sunday" licenses shall not be subject to any public hearing prior to issuance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 19th day of July, 1978.

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

Motion that the application of Harry T. Sheldons, Inc. for a "On-Sale Sunday" Intoxicating Liquor License be approved, made by Councilman Denzer, Seconded by Councilman McHattie. Carried 4 ayes, 1 nay. Councilman Amundson voting nay.

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

Mayor directed staff to look into the feasibility of locating an airport in the City.

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

Meeting adjourned at 11:20 p.m.

Respectfully submitted,

Carl F. Meissner
Clerk Administrator

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 28 1978

James Anderson Howe
Secretary of State

#31583
O.P.