

Pursuant to due call and notice thereof, a regular meeting was duly held at the City Hall, 7516 80th Street South, on the 16th day of August, 1978 at 7:30 o'clock P.M.

The following members were present: Mayor Peterson
Councilman Hammero
Councilman Denzer
Councilman McHattie (Arrived at 7:35 P.M.)
Councilman Amundson

And the following were absent: None.

Mayor Peterson presided at the meeting.

The minutes of the August 2, 1978 regular meeting were reviewed. There being no additions or corrections, the minutes were approved as mailed.

The minutes of the August 7, 1978 special meeting were reviewed. There being no additions or corrections, the minutes were approved as mailed.

The minutes of the August 9, 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 making of an improvement by the installation of storm sewer facilities in Highland's First Edition between 68th Street South and 65th Street South, 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. The attorney advised the Council that this hearing was being held in accordance with law, and that all proper notices have been given. The engineer gave a report as to the construction proposed and the cost thereof.

Councilman McHattie arrived at 7:35 P.M.

Mr. Roger Bothe, one of the affected property owners, appeared and read a letter addressed to the Mayor and City Council objecting to the proposed improvement, which letter was accepted by the Council and ordered to be made a part of these minutes. (See attachment 1) Mr. Jim Hamilton, 6688 Idsen Avenue South, appeared in favor of the proposed improvement. John Brink, 6632 Idsen Avenue South, appeared before the Council in favor of the proposed improvement. He also stated that he did not feel that the property owners north of 65th Street should be assessed for this project. Various questions were asked by the Council concerning the costs and how they could be assessed and financed. The Council felt that there was some benefit to the property north of 65th Street, but that if it is possible that assessment should be deferred until that property did develop. Staff was directed to check on the possibility of deferring assessments, and for how long those assessments could be deferred, also whether or not there would be sufficient funds from street assessments in the yellow storm sewer district to pick up the current deficit.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 24 1978

Janet Anderson Howe
Secretary of State # 31640
O.D.

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

RESOLUTION NO. 78-89

RESOLUTION ORDERING STORM SEWER IMPROVEMENT
HIGHLAND'S FIRST EDITION AND PREPARATION OF PLANS

WHEREAS, a Resolution of the City Council adopted on the 19th day of July, 1978 fixed a date for a Council hearing on the proposed improvement by installing storm sewer laterals in the Highland's First Edition from 68th Street South northerly to 65th Street South, and

WHEREAS, ten days published notice of the hearing of the required notice was given, and the hearing was held thereon on the 16th day of August, 1978 at which time all persons desiring to be heard were given an opportunity to be heard, now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that:

1. Such improvement is hereby ordered as proposed in the Council Resolution adopted July 19, 1978.
2. Otto Bonestroo of Bonestroo, Rosene, Anderlik & Assoc., Inc. is hereby designated as the engineer for this improvement. He shall prepare plans and specifications for the making of such improvement, and that said plans be prepared to take two alternate bids, one being to install the storm sewer lateral in the street known as Idsen Avenue South from 68th Street South northerly to 65th Street South, and alternate No. 2 being to place the storm sewer lateral in a portion of Idsen Avenue South, then along a drainage easement in back of the homes on the west side of Idsen Avenue South to 65th Street South.

Passed this 16th day of August, 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 McHattie, Councilman Hammero, and Mayor Petersen. 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 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. Mr. Emil Dubisar, representing the Cottage Grove Athletic Association, appeared before the Council requesting that said license be granted. There being no further comments or objections, motion that the application of the Cottage Grove Athletic Association for a temporary "on-sale" non-intoxicating malt liquor license for October 1, 1978 at the Majestic Ballroom parking lot located at 9165 Point Douglas Drive South be approved, made by Councilman McHattie. Seconded by Councilman Hammero. Carried 4 ayes, 1 nay. Councilman Amundson voting nay.

Mr. Charles Burrill, District Nine Engineer, appeared before the Council to present an update as to the progress on the proposed construction of the Belden Boulevard, Jamaca Avenue South and Highway 61 interchanges. Council was advised that he was still working on trying to get the slip ramp at the Belden interchange approved, and that the construction starting time would probably be moved from April, 1979 to August, 1979.

The Council received a request from the owners of property in the Franzmeier Subdivision that they be allowed to post a \$21,250 letter of credit or bond in lieu of construction of the gravel roadway through said subdivision. Motion that the Council approve the request of the property owners in the Franzmeier subdivision to post a \$21,250 letter of credit or bond in lieu of construction of the gravel roadway subject to the stipulation that the road must be constructed by September 1, 1979 and further that the attorney is hereby directed to prepare an amendment to the original resolution approving the Franzmeier subdivision made by Councilman Amundson. Seconded by Councilman McHattie. Carried viva voce.

Motion that the following license applications be approved:

1. Pool Installation Experts - General Contractor
2. Tower Asphalt - General Blacktopping Contractor
3. Hall's Plants - Solicitors License
4. Harry T. Sheldon's Inc. cigarette license
5. Superior Music Inc./Harry T. Sheldon, Inc. amusement devices license

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

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

RESOLUTION NO. 78-90

RESOLUTION GRANTING MINOR SUBDIVISION
TO GLENDENNING FARMS, INC.

WHEREAS, Glendenning Farms, Inc. has made application for a minor subdivision of certain lands located in part of the Northwest Quarter of the Northwest Quarter of Section 21, Township 27, Range 21, Washington County, Minnesota; and

WHEREAS, this Council heard and considered said application for minor subdivision on May 3, 1978,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cottage Grove, County of Washington, that the application by Glendenning Farms, Inc. for a minor subdivision for subdividing a parcel of property shall be, and the same hereby is, approved, and

BE IT FURTHER RESOLVED, that the legal description of said parcel to be subdivided is as follows:

That part of the Northwest quarter of Section 21, Township 27, Range 21, Washington County, Minnesota described as commencing at the Northwest corner of said Northwest quarter; thence South 0° 15' 15" West, assumed bearing, along the West line of said Northwest quarter 199.91 feet to the Northeasterly right of way line of the Chicago, Milwaukee, St. Paul & Pacific

Railroad; thence South 51° 53' 41" East along said railroad right of way line 637.40 feet to the actual point of beginning of the tract of land to be described; thence South 51° 53' 41" East along said railroad right of way line 150.07 feet; thence North 39° 53' East 537.57 feet to the Southwesterly right of way line of State Highway Number 10 and 61; thence North 50° 07' West along said highway right of way line to its intersection with a line that bears North 39° 53' East from the point of beginning; thence South 39° 53' West to the actual point of beginning. Subject to a roadway easement over the Northeasterly 60 feet thereof and subject to a utility easement over the Southwesterly 25 feet of the Northeasterly 85 feet thereof.

Passed this 16th day of August, 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 Denzer, Councilman Hammero, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

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

RESOLUTION: NO. 78- 91

RESOLUTION DENYING CONDITIONAL USE PERMIT TO
A & F AUTO PARTS FOR EXPANSION OF NON-CONFORMING USE

WHEREAS, A & F Auto Parts has made application for a conditional use permit for the expansion of a non-conforming use; and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove held a public hearing on said application on May 22, 1978; and

WHEREAS, the applicant was allowed to present his plans for expansion of his salvage yard operation and nearby residents were allowed to state their objections; and

WHEREAS, the Planning and Zoning Commission recommended denial of said conditional use permit based upon a number of reasons,

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 A & F Auto Parts for a conditional use permit to expand a non-conforming use consisting of the operation of a salvage yard on property not zoned for salvage operations shall be, and the same hereby is, denied for the hereinafter stated reasons:

1. The addition of a crushing machine to the applicant's operations has created a noise problem.
2. Increased traffic from the salvage yard operation is creating a traffic hazard and problem.
3. The proposed expansion would increase the size of the existing operation to twice its current size.

4. The operator has not shown good faith previously with respect to maintaining a clean, efficient operation which does not violage city codes and that code enforcement problems with the property have previously been a constant problem.

5. The area has been zoned for residential purposes for many years and numerous homes have been constructed near the applicant's property, causing land use conflicts.

6. After being advised that he is in violation of the City Code, the applicant and operator has not taken significant action to clean up the premises prior to review of this application for a conditional use permit.

Passed this 16th day of August, 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, Councilman Amundson, 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. 78-92

RESOLUTION APPROVING THE APPOINTMENT OF ELECTION
JUDGES FOR THE PRIMARY ELECTION TO BE HELD ON THE
12TH DAY OF SEPTEMBER, 1978 AND FOR THE GENERAL
ELECTION TO BE HELD ON THE 7TH DAY OF NOVEMBER, 1978

BE IT RESOLVED, by the Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the following election judges be appointed to serve at the September 12, 1978 primary election and the November 7, 1978 general election:

Hilda Lindeman
Charlene Eddy
Margaret Eberspacher
Louise Smallidge
Carol Stanton
Adeline Albright
Joni Taylor
Katherine Olson
Lorraine Lee
Evelyn White
Louise Schilling
Harriet Barwin
Karen Gengnagel
Eleanor Belden
Peggy Dopkins
Mary Jo Schooley
James Brown
Leonard Hackl
Shirley Drenckhahn
Helen Setnes
Carol Erskine

LaVern Lahr
Alice Talcott
Shelby Bauer
Adeline Rumpca
Jean Shinn
Lucille Pike
Mabel Webb
Marlene Temple
Shirley Colwell
Doris Jacoby
Mary Kempton
Beryl Anderson
Pattie Armstrong
Layne Gorres
Dorothy Stenzel
Isabel Board
Alice Nippoldt
Ruth Bowyer
Judy Weigel
Robert Heller
Elmer Anderson

Dorothy Binder
Helen Carlson
Carol Zacho
Geraldine Schuler
Delores Nord
Bernice Hoffman
Anne Redmond
Barbara Gervais
Mary Ellen Praml
Dan Sundberg
Beverly Donnedlinger
Janice Chadwick
Betty Krupka
Phylliss Pederson
Kay Boileau
Norma Massarotti
Carole Kemp
Judy Brouse
Willard Ridley
Lorraine Thunstedt
Dorothy Goerges

Kathy Corbett
Helen Goulet

Rosemary Scanlon
Pat Samuelson

Martha Jetto
Dorothy Nelson

Passed this 16th day of August, 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 Amundson, Councilman Hammero, 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. 78-93

RESOLUTION AMENDING RESOLUTION 76-158
RESOLUTION ESTABLISHING NEW ELECTION PRECINCTS AND
POLLING PLACES FOR THE CITY OF COTTAGE GROVE, MINNESOTA

WHEREAS the Cottage Grove City Council passed Resolution No. 76-158 setting forth the election precincts and polling places for the City of Cottage Grove, and

WHEREAS the City Council has been advised by the Community Evangelical Covenant Church that the church can no longer be used as a polling place for the City of Cottage Grove.

NOW, THE REFORE, be it resolved by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota that Resolution No. 76-158 adopted on the 29th day of December 1976 is hereby amended by changing the polling place for Precinct No. 11 from the Community Evangelical Covenant Church to the Pine Tree Valley Park Shelter, 8431 Indian Boulevard.

Passed this 16th day of August, 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 Hammero, Councilman Denzer, 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. 288

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE AMENDING THE CITY CODE
TO REQUIRE CITY LICENSES ON RECREATIONAL MOTOR VEHICLES

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

SECTION 1. AMENDMENT. "The Code of the City of Cottage Grove, Minnesota" shall be amended by amending "Chapter 14, Article III, Sec. 14-16" to read as follows:

Sec. 14-16. Place of operation.

It shall be unlawful to operate a recreational motor vehicle within the city:

(a) Upon private property without the written permission of the owner or person entitled to possession thereof; subject, however, to the following:

Subsection (a) of this section does not apply to motor vehicles registered under Minnesota Statutes, chapter 168, when operated by a driver licensed under Minnesota Statutes, chapter 171 upon private driveways, roadways, lanes, ways or parking lots where the operation of licensed motor vehicles is not expressly prohibited by posted notice.

(b) Upon any school grounds, public park, playground, recreational area, golf course or other public property, except at such times and places as the proper authorities may authorize or designate and subject to conditions imposed by such authorities. No operation whatsoever shall be allowed on the foregoing areas or places described in this subsection when: The recreational motor vehicle does not bear a license plate evidencing registration pursuant to Minnesota Statutes, chapter 168, or a registration identification sticker issued by the city pursuant to section 14-18 of this Code.

(c) Upon any public sidewalk, walkway or boulevard.

(d) Upon the right-of-way of any public street or highway unless:

(1) The recreational motor vehicle is licensed under Minnesota Statutes, Chapter 168, and

(2) The operator is licensed under Minnesota Statutes, chapter 171, and

(3) The vehicle is operated upon the improved portion of the right-of-way.

(e) Unless the vehicle is registered pursuant to Minnesota Statutes, chapter 168, or has a registration identification sticker issued by the city pursuant to section 14-18 of this code or is operated solely on the vehicle owner's private property.

SECTION 2. EFFECTIVE DATE.

This ordinance shall be in full force and effect upon its adoption and publication according to law.

Passed this 16th day of August, 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 Amundson, Councilman Hammero, Councilman McHattie, and Councilman Denzer. The following voted against the same: Mayor Peterson. Whereupon said ordinance was duly declared passed.

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

RESOLUTION NO. 78-94

RESOLUTION ESTABLISHING THE TERMS OF \$1,775,000 GENERAL OBLIGATION REFUNDING IMPROVEMENT BONDS, AND PROVIDING FOR THEIR PAYMENT

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

Section 1. Authorization.

1.01. By resolution duly adopted August 7, 1978, this Council found that it would be in the best interests of the City to award the sale of \$1,775,000 General Obligation Refunding Improvement Bonds (the "Bonds") to the First National Bank of Chicago, of Chicago, Illinois, and associates, upon the terms and conditions set forth therein. It is now determined to be necessary and desirable for this Council to provide specifically for the issuance of the Bonds, and for the payment thereof.

Section 2. Bond Terms, Execution and Delivery.

The Bonds shall be issued in four series, A through D, maturing in the years and amounts set forth below, and bearing interest from date of issue until paid or duly called for redemption at the rates set forth opposite such years and amounts as follows:

<u>Year</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>Total</u>	<u>Interest Rate</u>
1979	-	\$130,000	\$ 20,000	-	\$150,000	4.75%
1980	\$ 25,000	15,000	20,000	\$ 40,000	100,000	5.00%
1981	25,000	15,000	20,000	40,000	100,000	5.00%
1982	25,000	15,000	20,000	40,000	100,000	5.00%
1983	35,000	15,000	25,000	50,000	125,000	5.10%
1984	35,000	15,000	25,000	50,000	125,000	5.15%
1985	35,000	15,000	25,000	50,000	125,000	5.20%
1986	35,000	15,000	25,000	50,000	125,000	5.25%
1987	35,000		25,000	50,000	110,000	5.30%
1988	25,000		35,000	40,000	110,000	5.40%
1989			35,000	40,000	75,000	5.50%
1990			35,000	40,000	75,000	5.60%
1991			25,000	50,000	75,000	5.70%
1992			25,000	50,000	75,000	5.75%
1993			25,000	50,000	75,000	5.80%
1994				50,000	50,000	5.90%
1995				50,000	50,000	6.00%
1996				50,000	50,000	6.00%
1997				50,000	50,000	6.10%
1998				40,000	40,000	6.10%
TOTAL	\$275,000	\$235,000	\$385,000	\$880,000	\$1,775,000	

The Bonds of all series shall be dated August 1, 1978 and shall be in the denomination of \$5,000. The Bonds of each series shall be numbered consecutively commencing with the number 1, and shall mature in direct order of serial numbers.

2.02. The Bonds of any series maturing subsequent to February 1, 1989 shall each be subject to redemption and prepayment at the option of the City on said date, and on any interest payment date thereafter, in inverse order of their serial numbers, at a price of 101% of par plus accrued interest. Notice of redemption identifying the Bonds to be redeemed shall be published at least once not less than thirty days prior to the date fixed for redemption in a daily or weekly periodical published in a Minnesota city of the first class or its metropolitan area, circulating throughout Minnesota and carrying financial news as a part of its service.

2.03 The Interest on the Bonds of all series shall be payable semiannually on each February 1 and August 1, commencing on February 1, 1979. The principal of and interest on the Bonds shall be payable at the First National Bank of Minneapolis, in Minneapolis, Minnesota, which is designated as paying agent, or in the event of its resignation, removal or incapability of acting as paying agent, at the office of such successor paying agent as may be appointed by the Council.

2.04. The Bonds shall be prepared under the direction of the City Clerk-Administrator, in substantially the form attached to this resolution, and shall be executed in behalf of the City by the facsimile signature of the Mayor, attested by the manual signature of the Clerk-Administrator, and sealed with a facsimile of the official seal of the City. The interest coupons thereto attached shall be executed and authenticated by the printed, engraved or lithographed facsimile signatures of said Mayor and Clerk-Administrator. On the reverse side of each Bond will be printed a copy of the approving opinion to be rendered by bond counsel certified by the facsimile signatures of the Mayor and Clerk-Administrator. After the Bonds have been so signed and certified, the City Treasurer shall thereupon deliver the same to the purchaser thereof upon receipt of the purchase price heretofore agreed upon, and the purchaser shall not be obligated to see to the application of said purchase price.

Section 3. Use of Bond Proceeds.

3.01. The proceeds of the Bonds of each series shall be used as follows:

(a) The proceeds of the Series A Bonds shall be used, together with the sum of \$394,106.91 on hand in the 1971 Storm Sewer Improvement Fund of the City, to refund in advance of maturity \$860,000 outstanding principal amount of bonds of the issue of \$1,100,000 Storm Sewer Improvement Bonds, dated April 1, 1971 (the "1971 Bonds") of the City;

(b) The proceeds of the Series B Bonds shall be used, together with the sum of \$679,482.29 on hand in the 1976 Improvement Bond Fund of the City, to refund in advance of maturity \$905,000 outstanding principal amount of bonds of the issue of \$1,040,000 Improvement Bonds, dated July 1, 1976 (the "1976 Bonds") of the City;

(c) The proceeds of the Series C Bonds shall be used, together with the sum of \$140,045.81 on hand in the 1975 Improvement Bond Fund of the City, to refund in advance of maturity \$495,000 outstanding principal amount of bonds of the issue of \$625,000 Improvement Bonds, dated August 1, 1975 (the "1975 Bonds") of the City;

(d) The proceeds of the Series D Bonds shall be used, together with the sum of \$_____ on hand in the 1974 Improvement Bond Fund of the City, to refund in advance of maturity \$880,000 outstanding principal amount of bonds of the issue of 1,270,000 Improvement Bonds of 1974, Series A, dated April 1, 1974 (the "1974 Bonds") of the City.

In addition, the City has outstanding \$650,000 principal amount of Improvement Bonds of 1975, Series B, dated December 1, 1975 (the "1975-B Bonds") which it desires to discharge by the deposit and investment of \$527,007.05 presently on hand in the 1975-B improvement Bond Fund of the City.

The 1971 Bonds, 1974 Bonds, 1975 Bonds, 1975-B Bonds and 1976 Bonds are hereinafter sometimes referred to as the "Refunded Bonds."

3.02. The City Clerk-Administrator is hereby authorized and directed, simultaneously with the delivery of the Bonds, to deposit the proceeds thereof, and any additional sums set forth above, in escrow with the Northwestern National Bank of Minneapolis, in Minneapolis, Minnesota, a banking institution whose deposits are insured by the Federal Deposit Insurance Corporation and whose combined capital and surplus is not less than \$500,000, and to invest the funds so deposited to the extent necessary in securities authorized for such purpose by Section 475.67, subdivision 8, as amended, maturing on such dates and bearing interest at such rates as are required to provide funds sufficient, with cash retained in the escrow account, to pay when due the interest to accrue on the Refunded Bonds to their respective maturity dates or the date designated for their earlier redemption and prepayment, and to pay the principal amount of each of said Refunded Bonds at maturity or at the designated redemption date. The Mayor and City Clerk-Administrator are hereby authorized to enter into an escrow agreement with said Bank establishing the terms and conditions for the escrow account in accordance with Minnesota Statutes, Section 475.67.

Section 4. Sinking Funds.

4.01. The Bonds of each series shall be payable from the same sinking fund heretofore created by the City for payment of the issue of bonds refunded by said series, as follows:

<u>Refunding Series</u>	<u>Sinking Fund</u>	<u>Date of Resolution Creating Sinking Fund</u>
A	1971 Storm Sewer Improvement Fund	March 3, 197
B	1976 Improvement Bond Fund	July 8, 1976
C	1975 Improvement Bond Fund	August 20, 1975
D	1974 Improvement Bond Fund	March 13, 1974

Subsequent to delivery of the Bonds, the Refunded Bonds will be payable primarily from the escrow established and irrevocably appropriated for such purpose pursuant to Section 3.02 hereof, and, therefore, all collections of special assessments and taxes received into said above sinking funds will be available, subject to the prior lien thereon in favor of the Refunded Bonds until paid from said escrow, for payment of principal and interest on the respective series of Bonds as set forth above.

4.02. To provide moneys for the payment of principal and interest on the Bonds, in addition to the amounts of special assessments originally levied and remaining to be collected and appropriated to the sinking funds designated above, there is hereby levied upon all taxable property in the City a direct, annual, ad valorem tax which shall be collected in the following years and amounts for the respective series of Bonds as follows:

<u>Levy Year</u>	<u>Collection Year</u>	<u>Series A</u>	<u>Series B</u>	<u>Series C</u>	<u>Series D</u>	<u>Total</u>
1978	1979			\$38,000		\$38,000
1979	1980			36,950		36,950
1980	1981			35,900		35,900
1981	1982	\$ 6,823		40,100	\$31,899	78,822
1982	1983	21,962		38,761	32,463	93,186
1983	1984	21,449	(None)	37,409	32,922	91,780
1984	1985	21,870		36,044	33,276	91,190
1985	1986	20,364		34,666	33,629	88,659
1986	1987	29,051		43,775	23,062	95,888
1987	1988			41,790	23,941	65,731
1988	1989			39,769	24,820	64,589
1989	1990			27,211	80,640	107,851
1990	1991			25,715	77,490	103,205
1991	1992			27,773	74,235	102,008
1992	1993				71,085	71,085
1993	1994				67,830	67,830
1994	1995				64,575	64,575
1995	1996				61,215	61,215
1996	1997				46,830	46,830

The City reserves the right to reduce or cancel any of the above levies in accordance with the provisions of Minnesota Statutes, Section 475.61.

4.03. On or before October 10 in each year, commencing in the year 1978, the Clerk-Administrator is hereby authorized to request the cancellation of taxes heretofore levied for payment of the Refunded Bonds and now now needed by virtue of the establishment of the escrow pursuant to Section 3.02 hereof.

4.04. The City hereby recognizes and reaffirms its pledge of the full faith and credit of the City to the payment of the Bonds and, in the event that said special assessments and taxes do not prove sufficient to pay said principal and interest, the City will promptly levy additional ad valorem taxes as necessary for such payment without limitation as to rate or amount.

Section 5. Redemption of Refunded Bonds and Certification of Proceedings.

5.01. The City Clerk-Administrator is hereby authorized and directed forthwith to call for redemption and prepayment each issue of Refunded Bonds on its earliest redemption date. Notice of the redemption of the Refunded Bonds shall be mailed and published in accordance with the terms of the resolutions authorizing the issuance of the Refunded Bonds.

5.02. The City Clerk-Administrator is directed to file with the County Auditor of Washington County a certified copy of this resolution, and to obtain from the County Auditor a certificate stating that the Bonds have been entered upon the bond register and the tax required by law has been levied.

5.03. The City will make no use of the proceeds of the Bonds which, if such use had been reasonably expected on the date of issue thereof, would have caused them to be arbitrage bonds under the provisions of Section 103(c) of the United States Internal Revenue Code of 1954, as amended. On the day fixed for the delivery of the Bonds, the Mayor and City Clerk-Administrator shall make and deliver to the purchasers a certificate in accordance with the provisions of Section 103(c) of said Code and Proposed Treasury Regulations, Sections 1.103-13 through 1.103-15, stating that on the basis of the facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds, as such facts, estimates and circumstances are set forth in the certificate, it is not expected that the proceeds of the Bonds will be used in a manner that would cause the Bonds to be arbitrage bonds within the meaning of said Code and Regulations.

5.04. The officers of the City and said County Auditor are authorized and directed to prepare and furnish to the purchasers of the Bonds, and to bond counsel, certified copies of all proceedings and records of the City relating to the authorization and issuance of the Bonds and such other affidavits and certificates as may reasonably be required to show the facts relating to the legality and marketability of the Bonds as such facts appear from the officers' books and records or are otherwise known to them. All such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the correctness of the facts recited therein and the actions stated therein to have been taken.

Passed this 16th day of August, 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 Amundson, Councilman Hamero, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

The Mayor directed that the Memorandum of Understanding between the Minnesota Department of Human Rights and the Cottage Grove Human Services Commission be referred to the attorney for his review and comment.

The Council reviewed the request from the Administrator for a special meeting to review the reports on the water distribution system, Trunk Highway 61 and Belden Boulevard interchange, utilities revisions, and the alignment of Jamaca Avenue South from 80th Street South north to Military Road. The Mayor set a special meeting for Wednesday, August 30, 1978 at 7:30 o'clock P.M.

The Council reviewed the ice arena report for July, 1978. Mayor directed that the report be accepted and ordered it to be placed on file in the office of the City Clerk.

The Council reviewed the proposed design of the Highlands Park area. Motion that the design concept of the Highlands Park be accepted with the stipulation that the grading be approved by the City Engineer made by Councilman Amundson. Seconded by Councilman McHattie. Carried viva voce.

The engineer gave a report concerning the construction of the storm sewer pond north of 70th Street. He advised the Council that the construction was not completed, although the design capacity for holding of water was sufficient.

The Council reviewed a report dated August 14, 1978 from the City Planner regarding the temporary conditional use permit issued to Secure Properties for a gravel pit. Motion that the Council accept the recommendation of the Planning Department and allow the operation of the gravel pit to continue made by Councilman Denzer. Seconded by Councilman McHattie. Carried viva voce.

The Council discussed the design of Foothill Park. Motion that the Council go on record as no sidewalk from Hillside Trail to Foothill Park be installed, and that Foothill Park be left in a natural state, and no further development take place made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

The Council discussed the filling of vacancies on the Economic Development Commission and Public Health, Safety and Welfare Commission. Mayor requested that the Council members solicit names of people who would be interested in serving on either of these two commissions.

Motion that Ms. Gwynne Sloan and Mr. Steven Clark be appointed to the positions of Chemical Dependency Counselor and Individual Counselor respectively effective September 5, 1978 on a six-month probationary period made by Councilman Denzer. Seconded by Councilman McHattie. Carried viva voce.

Motion that the resignation of Forbes Martinson as Deputy Chief of Police be accepted made by Councilman Denzer. Seconded by Councilman McHattie. Carried viva voce.

The Council was advised by notice received from The League of Minnesota Cities as to the place and times of the 1978 regional meetings.

The Council reviewed the letter received from the City of Richfield requesting support in their lawsuit contesting the compulsory binding arbitration provisions of the Minnesota Public Employees Labor Relations Act.

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

RESOLUTION NO. 78-95

RESOLUTION SUPPORTING CITY OF RICHFIELD LAWSUIT CONTESTING
PELRA COMPULSORY BINDING ARBITRATION PROVISIONS

WHEREAS, the City of Richfield has initiated a lawsuit contesting the compulsory binding arbitration provisions of PELRA (City of Richfield vs. Local No. 1215, International Association of Fire Fighters and State of Minnesota, Intervenor), and

WHEREAS, this lawsuit is currently under appeal to the Minnesota Supreme Court, and

WHEREAS, the PELRA binding arbitration provisions delegate fundamental decisions regarding the kind, extent and cost of governmental services to private, politically unaccountable individuals, and

WHEREAS, cities in Minnesota have generally had poor experience with these binding arbitration provisions in that decisions have been unfair, inflationary and detrimental to the collective bargaining process, and

WHEREAS, other viable, more fair and just alternatives do exist to the PELRA binding arbitration provisions.

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

1. That this city supports the City of Richfield in this lawsuit and directs that a copy of this resolution of support be filed with the League of Minnesota Cities.
2. That the sum of \$100 is hereby authorized to be paid to the League of Minnesota Cities to assist in financing the cost of appealing this lawsuit to the Minnesota Supreme Court.

Passed this 16th day of August, 1978.

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

Motion that the Council approve the agreement between the Minnesota Department of Natural Resources and the City of Cottage Grove for ski touring trail and that Mayor and Clerk are hereby authorized to sign said agreements made by Councilman Amundson. Seconded by Councilman McHattie. Carried 4 ayes, 1 nay. Councilman Denzer voting nay.

Motion that the Council authorize the purchase of one new radar from M.P.H. Industries, Inc. at a cost of \$2,000 made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

The Council discussed the posting of a no parking sign on Point Douglas Drive South service road on both sides of Belden Boulevard intersection.

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

RESOLUTION NO. 78-96

RESOLUTION AUTHORIZING INSTALLATION OF NO PARKING
SIGNS ON POINT DOUGLAS DRIVE SOUTH SERVICE ROAD

WHEREAS, the Directors of Public Safety, Public Works, and the Clerk Administrator have noticed that a traffic hazard exists at the intersection of Belden Boulevard and South Point Douglas Drive service road and,

WHEREAS, it is their recommendation that this traffic hazard could be reduced by eliminating on street parking on both sides of Point Douglas Drive South a minimum distance of 150 feet back from the intersection of Belden Boulevard,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that it hereby authorizes the installation of "No Parking" signs on both sides of Point Douglas Drive service road from Belden Boulevard to a distance of 150 feet south of said street and from Belden Boulevard a distance of 150 feet north of said street and,

BE IT FURTHER RESOLVED, that the Director of Public Works is hereby authorized and directed to install said signs.

Passed this 16th day of August, 1978.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Motion that the foregoing resolution be amended to read that no parking on both sides of Point Douglas Drive service road south be extended to 297 feet north of Belden Boulevard made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce. Upon vote being taken on the foregoing resolution as amended 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 directed that the Public Safety Commission review the Belden, Point Douglas South intersection and make a recommendation to the Council of any further restrictions.

Motion that the Council authorize and approve the new position of Administrative Assistant to the Public Safety Director, and that Cynthia Kogler be appointed to this position at a salary of \$850.00 per month, and that said appointment be subject to the six-month probationary period, and also that the employee be advised that this is a temporary position made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Motion that staff be authorized to hire a part-time clerk typist made by Councilman Amundson. Seconded by Councilman Hammero. Carried viva voce.

Motion that the Council authorize the establishment of a special study committee to make a thorough study of the organizational structure of the Public Safety Department and that said committee consist of Councilman Denzer, the Director of Public Safety, a member of the Police Association, the Chairman of Public Health, Safety, and Welfare Commission, and the Administrator, and that the initial report be submitted to this Council no later than December 1, 1978 made by Councilman Amundson. Seconded by Councilman Hammero. Carried viva voce.

Council Meeting August 16, 1978

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

The Council discussed whether or not periodically they should accept bids for consultant services. No action taken.

The Mayor advised the Council that the City received a donation in the amount of \$250.00 from the engineering firm of Bonestroo, Rosene, Anderlik & Assoc., Inc. Mayor directed that a thank you letter be sent.

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

Meeting adjourned at 10:37 P.M.

Respectfully submitted,



Carl F. Meissner
Clerk Administrator

HERTOGS, FLUEGEL, SIEBEN, STORKAMP & CATURIA

PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

WESTVIEW OFFICE CENTER

999 WESTVIEW DRIVE

HASTINGS, MINNESOTA 55033

August 14, 1978

SAMUEL H. HERTOGS
DONALD J. FLUEGEL
MICHAEL R. SIEBEN
JAMES B. STORKAMP
CHARLES E. CATURIA

TELEPHONE
AREA CODE 612
437-3148

The Honorable Mayor and Members of the
City Council
City of Cottage Grove
Washington County, Minnesota

Re: Proposed improvement and assessment:
Earl C. and Roger Bothe

Dear Mayor and Members of the City Council:

The undersigned writes on behalf of the property owners above referenced,
and with reference to your proposed storm sewer project which will be
heard August 16, 1978.

Please be advised, and note in your minutes accordingly, that our
clients object to any proposed assessment against any of their prop-
erties for the proposed storm sewer improvement.

The objection is based upon two grounds:

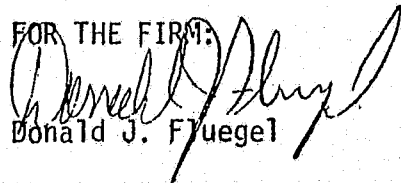
- 1) The property owned by our clients will not benefit from the
proposed construction.
- 2) The City of Cottage Grove in January of 1973 entered into
an agreement with our clients providing in pertinent part,
as follows: "That the above assessed land shall never again
be assessed for trunk or interceptor storm sewer improvements."

This provision is contained in a stipulation in Washington
County District Court File No. 41466 bearing dated January
29, 1973 and refers to the property which we understand
the City proposes to assess for this project, and other
lands.

On behalf of the property owners, if the City determines to order in this
project, we request that at the same time the council adopt a resolution
agreeing that no portion of the cost thereof will be assessed against our
clients land.

Very truly yours,

FOR THE FIRM:


Donald J. Fluegel