

Cottage Grove

Pursuant to due call and notice thereof, a regular meeting was duly held at the City Hall, 7516 80th Street South, on the 20th day of December, 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.

Motion was made to table the minutes from the December 6, 1978 meeting by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

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 consideration of the partial vacating of 60 feet on the Northwest End of the Lockridge Cul-de-sac in the Countrywood Addition, 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. and Mrs. Cobb were in attendance and presented proposed vacating of Lockridge Cul-de-sac to Council. Mr. Al Fisher was in attendance and gave his verbal support of proposal. A letter also was presented from Mr. Roger Santelman, who is also in support of proposal. Copy of letter is on file with the City Clerk. Motion made directing City Attorney to prepare the necessary resolution for the vacating of the Lockridge Cul-de-sac area by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Rick Lewis gave a presentation to Council on proposed rezoning in relation to Secure Properties. Motion made directing the attorney to prepare the necessary ordinance amendment rezoning Secure Properties area from R3 to R5 by Councilman Amundson. Seconded by Councilman McHattie. Carried viva voce.

Motion made to approve license applications for DMD, Inc. and DACO, Inc. by Councilman Hammero. Seconded by Councilman Denzer. Carried 4 ayes, 1 nay. Councilman Amundson voting nay.

Motion made to table ordinance amending City Code Chapter 28 rezoning Section 10 from R1 to R4 by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

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

ORDINANCE NO. 292

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA AMENDING CITY CODE, CHAPTER 28 RELATING TO ZONING

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." is hereby amended by amending "Chapter 28, Article I, Sec. 28-6" to read as follows:

31899

The Official Zoning Map shall be amended to change the classification of the hereinafter described property from its present classification of "B-2" Retail Business District to a classification of "B-3" General Business District:

That part of Tract C, Registered Land Survey No. 79, Washington County, Minnesota, described as follows: the Northerly 190 feet of the Southeasterly 170 feet as measured along the Southeasterly and Northeasterly lines of said Tract C.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 20th day of December, 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 Hammero, Councilman McHattie and Mayor Peterson. The following voted against the same: None. Whereupon said ordinance was duly declared passed.

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

RESOLUTION NO. 78-126

RESOLUTION GRANTING CONDITIONAL USE PERMIT
FOR USED CAR LOT TO COTTAGE GROVE MOTORS

WHEREAS, Cottage Grove Motors has made application for a conditional use permit for an outdoor automobile sales lot on property presently zoned B-2 and which will in the near future be rezoned to B-3; and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove held a public hearing on said application on November 27, 1978 and recommended approval of said conditional use permit subject to certain conditions; and

WHEREAS, this Council has reviewed said application and the conditions recommended by the Planning Commission and finds them to be proper and appropriate in view of the property's circumstances, 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 Cottage Grove Motors for a conditional use permit for an automobile outdoor sales lot shall be, and the same hereby is, approved, subject to the hereinafter stated conditions:

1. The property be rezoned to "B-3".
2. That the applicant receive a copy of this conditional use permit advising him that there are no present plans for sewer and water to be provided by the City, thus necessitating on-site water well and disposal system.
3. Additional landscaping shall be installed to upgrade the site; the landscaping plan shall be submitted to and approved by the City Planning Department prior to use of the property; all landscaping materials shall be installed no later than July 1, 1979.

4. No string lighting, glaring lights, or the use of banners, balloons, flags, or similar devices shall be allowed on the premises.
5. All outdoor illumination shall be accomplished in a manner so as to permit no direct rays of light to penetrate beyond the property line.
6. No vehicle repair shall be allowed on the site.
7. All advertising devices shall conform to the City sign ordinance.
8. The outdoor automobile display area shall be limited to one vehicle for each 250 square feet of site space.
9. If the automobile sales operation should cease and terminate, the building shall be secured in a manner such that the securing materials conform to the building design and applicable building codes.

BE IT FURTHER RESOLVED, that the legal description of the property to which this conditional use permit applies is as follows:

That part of Tract C, Registered Land Survey No. 79, Washington County, Minnesota, described as follows:

The Northerly 190 feet of the Southeasterly 170 feet as measured along the Southeasterly and Northeasterly lines of said Tract Ct.

Passed this 20th day of December, 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 McHattie introduced the following resolution and moved for its adoption:

RESOLUTION NO. 78-127

RESOLUTION APPROVING PRELIMINARY PLAT OF PINETREE POND EAST

WHEREAS, U.S. Homes Corporation has made application for approval of a preliminary plat for Pinetree Pond East; and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove held a public hearing on said application on September 25, 1978 and recommended approval of said preliminary plat subject to certain modifications, now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the preliminary plat of Pinetree Pond East shall be, and the same hereby is, approved, subject to the hereinafter stated conditions, which shall be complied with prior to approval of the final plat:

1. Outlot B shall be removed from the plat.
2. Outlot C shall be removed from the plat.
3. An easement shall be obtained from the property owner and conveyed to the

City for the right of way of Jamaca Avenue northerly from the plat to 70th Street.

Passed this 20th day of December, 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 Denzer introduced the following resolution and moved for its adoption:

RESOLUTION NO. 78-128

RESOLUTION APPROVING FINAL PLAT OF PINETREE POND EAST ADDITION

WHEREAS, the Orrin E. Thompson Construction Corporation has made application for approval of the Final Plat of Pinetree Pond East Addition, and,

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove has held a Public Hearing on said application and has recommended approval of the Final Plat, 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 the Orrin E. Thompson Construction Corporation for approval of the Final Plat of Pinetree Pond East Addition shall be and the same hereby is, approved, and,

BE IT FURTHER RESOLVED, that this Council shall not approve the petition for utilities for said plat until such time as the Subdivision Agreement for this addition has been executed and approved by this Council.

Passed this 20th day of December, 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 Denzer, Councilman Hammero, Councilman Amundson, Councilman McHattie, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

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

RESOLUTION NO. 78-129

RESOLUTION APPROVING FIVE YEAR CAPITAL IMPROVEMENT
PROGRAM - MSA STREET CONSTRUCTION

WHEREAS, the City engineering firm of Bonestroo, Rosene, Anderlik & Associates, Inc. presented to the Council a proposed five-year capital improvement program for municipal state aid streets for the City of Cottage Grove; and

WHEREAS, the Council has reviewed the same and finds the same to be in good order and satisfactory, now,

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the proposed plan submitted on December 4 is hereby approved, and the Clerk of the City is hereby directed to submit the same to the Minnesota Department of Transportation.

Passed this 20th day of December, 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 Denzer, Councilman Hammero, Councilman Amundson, Councilman McHattie, 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. 78-130

RESOLUTION AUTHORIZING FILING OF APPLICATION FOR GRANT TO ACQUIRE AND DEVELOP OPEN SPACE UNDER THE PROVISION OF THE FEDERAL LAND AND WATER CONSERVATION FUND ACT AND THE STATE NATURAL RESOURCE FUND

WHEREAS, the Land and Water Conservation Fund Act and the State Natural Resources Fund provides for the making of grants to assist local public bodies in the acquisition and development of outdoor recreation projects.

WHEREAS, City of Cottage Grove desire to develop certain land known as Woodridge Park, which land is to be held and used for permanent open space.

WHEREAS, Title VI of the Civil Rights Act of 1964 P.L. 88-354 (1964) and of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 C.F.R. 17, effectuating that title, provides that no person shall be discriminated against because of race, color, or national origin in the use of the land acquired and/or developed.

WHEREAS, it is estimated that the cost of developing said interest shall be \$133,000.00, now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove:

1. That an application be made to the Office of Local and Urban Affairs of the State Planning Agency for a grant from the Land and Water Conservation Fund as amended in 1965 for an amount presently estimated to be \$66,500.00 and the applicant will pay the balance of the cost from other funds available to it.

2. That an application be made to the Office of Local and Urban Affairs of the State Planning Agency for a grant from the Natural Resource Fund, Minnesota Laws, 1973, Chapter 720, Section 43, Subdivision 2, par. (g) or (h) for an amount presently estimated to be \$33,250.00 and the applicant will pay the balance of the cost from other funds available to it.

3. That the Mayor and Clerk are hereby authorized and directed to execute and to file such application with the State of Minnesota Office of Local and Urban Affairs of the State Planning Agency and to provide additional information and to furnish such documents as may be required by said Agency, to execute such contracts as are required by said Agency and to act as the authorized correspondent of the Applicant.

4. That the proposed development is in accordance with plans for the allocation of land to open space uses, and that should said grant be made, the applicant will develop and retain said land for uses designated in said application and approved by the Office of Local and Urban Affairs and the H.C.R.S.

5. That the United States of America and the State of Minnesota be, and they hereby are, assured of full compliance by the applicant with the regulations of the Department of the Interior, effectuating Title VI of the Civil Rights Act of 1964.

Passed this 20th day of December, 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, and Mayor Peterson. The following voted against the same: Councilman Amundson and Councilman Denzer. Whereupon said resolution was duly declared passed and adopted.

Motion made to table five-year plan for improvement in park areas subsequent to their reviewing said five-year plan by Councilman Hammero. Seconded by Councilman McHattie. Carried viva voce.

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

ORDINANCE NO. 293

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA
AMENDING CITY CODE SECTION 28-21 AND SECTION 28-22 WITH RESPECT
TO THE USE OF BARBED WIRE ON SECURITY FENCES

The City Council of the City of Cottage Grove, Minnesota, ordains as follows:

Section 1. AMENDMENT. "The Code of the City of Cottage Grove, Minnesota" shall be amended by amending "Chapter 28, Article III, Sec. 28-21" by adding the following subsections:

Sec. 28-21. Accessory Buildings and Structures.

- (h) No fence shall be equipped with barbed wire or similar security device in any residential district.
- (i) Barbed wire or other similar security devices are permitted in Business and Industrial Districts provided no barbed wire or similar security devices are closer than six (6) feet to the ground.
- (j) Barbed wire or other similar security devices are permitted on all property designated for "essential services" except no barbed wire or similar security devices are permitted closer than six (6) feet to the ground.

Section 2. AMENDMENT. "The Code of the City of Cottage Grove, Minnesota", shall be amended by amending "Chapter 28, Article III, Sec. 28-22" to read as follows:

Sec. 28-22. Yards and Open Spaces.

(c) (3) Notwithstanding any other provisions of this Chapter, fences and hedges may be permitted in any required yard or along the edge of any yard; provided, that no fence or hedge shall exceed six (6) feet in height for a rear or side yard; and that no fence or hedge of any front yard shall be over three (3) feet in height where it would obstruct safe view from the driveway or street; provided further that no security devices such as barbed wire or similar devices be permitted closer than six (6) feet to the ground in commercial, and industrial districts. In no case shall barbed wire or similar security devices be permitted in predominately residential areas.

Section 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 20th day of December, 1978.

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

Motion made to direct the Attorney to prepare the necessary resolution to amend the comprehensive plan for the southeast 1/2, Section 8 by Councilman Amundson. Seconded by Councilman McHattie. Carried viva voce.

Motion made for the approval of the Vollmer Minor Subdivision by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

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

RESOLUTION NO. 78-131

RESOLUTION APPROVING FINAL PLAT OF ROLLING HILLS SECOND ADDITION

WHEREAS, George J. Hoffert and Kenneth L. Hoffert have made application for approval of the Final Plat of Rolling Hills Second Addition, and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove has held a Public Hearing on said application and has recommended approval of the Final Plat, now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the application for approval of the Final Plat of Rolling Hills Second Addition shall be and the same hereby is, approved, and

BE IT FURTHER RESOLVED, that the Clerk Administrator shall not record said plat until such time as the Subdivision Agreement for this addition has been executed and approved by this Council.

Passed this 20th day of December, 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 Hammero, Councilman McHattie, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion made approving proposed development bond reduction recommendations for Summer Hills, Pinetree Pond Fourth, Fifth, Sixth and Seventh Addition, Highlands First and Second Addition, and Woodridge, as stated in the December 15th letter from Brad Lemberg by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Motion made to move the five-year improvement plan for parks from the table by Councilman Hammero. Seconded by Councilman McHattie. Carried viva voce.

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

RESOLUTION NO. 78-132

RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF THE
FIVE-YEAR ACTION PROGRAM WITH THE STATE OF MINNESOTA OFFICE
OF LOCAL AND URBAN AFFAIRS OF THE STATE PLANNING AGENCY

WHEREAS, the Land and Water Conservation Fund Act (LAWCON) and the State Natural Resources Fund provide for grants to assist local public bodies in the acquisition and development of outdoor recreation; and

WHEREAS, the Rules and Regulations for LAWCON and the State Natural Resources Fund provide criteria that applications must meet; and

WHEREAS, in order for the proposed project to be eligible for approval, there must be proof that it is part of a comprehensive outdoor recreation plan and 5-year action program (capitol improvement); and

WHEREAS, the City of Cottage Grove has an original or revised 5-year action program, which includes Woodridge Park,

BE IT HEREBY RESOLVED, by the City Council of the City of Cottage Grove, that the Mayor and Clerk are hereby authorized and directed to execute and to file the 5-year action program with the State of Minnesota, Office of Local and Urban Affairs of the State Planning Agency.

Passed this 20th day of December, 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 McHattie, Councilman Hammero, and Mayor Peterson. The following voted against the same: Councilman Amundson and Councilman Denzer. Whereupon said resolution was duly declared passed and adopted.

Tim Johnson, Director of Ice Arena, reported on progress and repairs presently undertaken at the ice arena, answered questions concerning insurance coverage and future consideration as to public reopening dates.

Motion made to make a statement of support as requested for bicycle safety program by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Robert Oszman, Director of Public Safety, presented a recommendation for telemetry unit as recommended by the Ambulance Committee. Motion made authorizing the expenditure of \$5,300.00 on telemetry unit from Motorola by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Motion made to show Council approval of the concept of allowing trails project in conjunction with grant information presented by Terry Creegan of the Youth Service Bureau by Councilman Hammero. Seconded by Councilman McHattie. Carried viva voce.

Motion made for the appointment of Ron Simmons and Eric Hockert for three year terms on the Economic Development Commission by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

Motion made to appoint Bob Newby as Chairman of the Economic Development Commission by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

Motion made for the reappointment of Gene Smallidge and Rick Lietzke to the Economic Development Commission by Councilman Denzer. Directed staff to determine terms which they would be eligible for. Seconded by Councilman Hammero. Carried viva voce.

Motion made to accept the bid of Bill Boyer Ford with consideration of rationale as presented by attorney and Public Works Director by Councilman Amundson. Seconded by Councilman Denzer. Carried 4 ayes, 1 nay. Councilman McHattie voting nay.

Motion made to reappoint Anthony Huber and Bob Hill to new terms on the Public Works Commission by Councilman Hammero. Seconded by Councilman Amundson. Carried viva voce.

Motion made appointing Bob Severson as Chairman of the Public Works Commission by Councilman Hammero. Seconded by Councilman McHattie. Carried viva voce.

Motion made requesting staff to send letter of appreciation to George Posavad by Councilman Hammero. Seconded by Councilman McHattie. Carried viva voce.

Motion made to send a letter to Ken Shearer thanking him for the time he spent with the City on the Public Works Commission, but that he has been resigned from the Public Works Commission in compliance with Ordinance 2-45 by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Motion made to accept 1979 contract as presented by the attorney by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Council reviewed memo from Police Reorganization Committee. Directed staff to coordinate between Robert Oszman, Darrell Morse, Ken Boyden and Ron Uhe for a complete presentation to Council at a later date.

Council authorized staff in conjunction with attorney to work agreeable installment repayment program with Zion Lutheran Church for the payment of \$704.00 plus interest not to exceed a three-year period.

Darrell Morse, City Attorney, gave Council an update of Creighton case including the receipt on December 7th of a letter from the Department of Human Rights in connection with alleged discrimination to Patricia Creighton. Attorney will be making appropriate response.

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

Motion made requesting the State to make speed study as recommended in Public Safety minutes by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Motion made to leave parking ordinance as is in compliance with Public Safety Commission recommendations by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

Motion made to reappoint Rickie Ressler and Ed Kviz to the Planning Commission by Councilman Amundson. Seconded by Councilman McHattie. Carried viva voce.

Motion made to appoint Ed Kviz as Chairman of the Planning Commission by Councilman Amundson. Seconded by Councilman McHattie. Carried viva voce.

Rick Lewis responded to question as to status of 3M test plant. He indicated that staff hoped to have a report for Council on January 3, 1979 meeting.

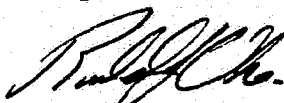
Council directed staff to invite Rod Hale to January 3, 1979 council meeting for discussion of his report relating to Grey Cloud Reclamation.

Council directed staff to review Public Safety Commission minutes for any possible action items.

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

Meeting adjourned at 10:30 P.M.

Respectfully submitted,



Ronald J. Uhe
Deputy Clerk

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN - 2 1979

Jan Anderson Howe
Secretary of State

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