

Mrs. Cheri Mattson

Pursuant to due call and notice thereof, a regular meeting was duly held at the City Hall, 7516 80th Street South, on the 6th day of June, 1979, at 7:30 o'clock p.m.

The following members were present: Mayor Peterson
Councilman Amundson
Councilman Denzer
Councilman McHattie (arrived @ 7:34)
Councilman Hammero (arrived @ 8:05)

And the following were absent: None

Mayor Peterson presided at the meeting.

The minutes of the May 16, 1979 regular meeting were reviewed. There being no additions or corrections, they were approved as mailed.

The minutes of the May 23, 1979 special meeting were reviewed. There being no additions or corrections, they 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 consideration of and application made by VFW Post #8752 for a Club "On-sale" 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. Staff advised the Council that on May 7, 1979, the applicant appeared in court on a charge of sale of intoxicating liquor without a license and pled guilty to said charge. No other violations have been recorded. It is the recommendation of Staff that since the club is now eligible for a license, and also that the hearing was being held in compliance with all applicable laws, that said license be issued. There being no further comments or objections, the Clerk closed the Hearing.

Councilman McHattie arrived at 7:34 p.m.

Motion that the application of VFW Post #8752 for a Club "On-sale" Liquor License upon that property located on 9260 Pt. Douglas Drive South in said City be approved made by Councilman Amundson. Seconded by Councilman Denzer. Carried 3 ayes, one 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 consideration of and application made by Cottage Grove Jaycees for the issuance of a Temporary "On-sale" Nonintoxicating Malt Liquor License at the East Cottage Grove Ballfields for July 28 and 29, 1979. 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.

32197

The Mayor then opened the Hearing for consideration of any comments or objections. Staff advised the Council that there had been no complaints regarding the applicant's license and also that the hearing was being held in compliance with all applicable laws. There being no further comments or objections, the Mayor closed the hearing.

Motion that the application of the Cottage Grove Jaycees for a temporary "On-sale" nonintoxicating malt liquor license for July 28 and 29, 1979 on that property commonly known as the East Cottage Grove Ballfields and located at 70th Street South and Lamar Avenue South be approved made by Councilman Denzer. Seconded by Councilman McHattie. Carried 3 ayes, one nay, Councilman Amundson voting nay.

Motion that the application of Charles Lanners for a conditional use permit to construct a pole barn on his property located at 10747 Lehigh Road be approved with the conditions that the pole barn be earth-tone in color, that it consist of no more than 1,024 square feet, and that no commercial activity or warehousing be allowed at or near the barn, and that the Attorney is hereby directed to prepare the necessary resolution made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

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

ORDINANCE NO. 307

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, Minnesota, does ordain as follows:

SECTION 1. AMENDMENT. The "City Code of the City of Cottage Grove, Minnesota", shall be amended by amending "Chapter 28, Section 28-76 as follows:

Section 28-76. Purpose; definition

This article establishes provisions for the granting of a conditional use permit to provide for a planned unit development project. The purpose of the planned unit development is to encourage a flexibility in the design and development of land in order to promote its appropriate use; to facilitate the adequate and economical provisions of streets and utilities; and to preserve the natural and scenic qualities for open areas.

A planned unit development shall be defined as any project utilizing ten or more acres of contiguous land wherein there is more than one principal building per lot or more than one use per lot.

The City Council may reduce the area requirement to five acres if the parcel is located where the intended uses in the PUD will not cause increased traffic, noise or other nuisances and is separated from adjoining property by natural topography or vegetation.

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 6th day of June, 1979.

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

The Council reviewed the application of Dennis Jerry for a planned unit development to be located on 7.7 acres on 6043 Pt. Douglas Drive.

Motion that the application of Dennis Jerry for a planned unit development consisting of a single family residence, a ceramic workshop, and a trailer rental and sales operation, to be located at 6043 Pt. Douglas Drive be approved, and that the Attorney is hereby directed to prepare the necessary resolution made by Councilman Denzer. Seconded by Councilman McHattie. Carried 3 ayes, one nay, Councilman Amundson voting nay.

Motion that the application of Mr. John McEnroe for a minor subdivision consisting of three acres located in the Southeast 1/4 of the Southeast 1/4 of Section 17, lying and being North of the Chicago, Milwaukee, and St. Paul Railroad right-of-way for the purpose of constructing a building to contain a racquetball club be approved subject to the conditions that Sections 3, 5, 8, and 902 of the subdivision ordinance be waived made by Councilman Amundson. Seconded by Councilman McHattie. Carried viva voce.

Motion that the application of John McEnroe for a building permit for a racquetball club to be constructed on a minor subdivision consisting of three acres located in the Southeast 1/4 of the Southeast 1/4 of Section 17, lying and being North of the Chicago, Milwaukee, and St. Paul Railroad right-of-way be approved made by Councilman Denzer. Seconded by Councilman McHattie. Carried viva voce.

Motion that the application of Gerald Augst for a conditional use permit for a minor subdivision be approved subject to the conditions as follows:

1. That the applicant must file a certificate of survey.
2. That the Northern 33 feet of the two parcels created be dedicated to the City for future road and utility processing, and that the Attorney is hereby directed to prepare the necessary resolution made by Councilman Amundson. Seconded by Councilman McHattie. Carried viva voce.

Motion that the application of Mr. Don Drigans for a building permit to construct an industrial building and mini-storage facilities on property fronting on 85th Street South be approved subject to the following conditions:

1. The breakoff block on the building should be painted a dark brown to match the trim along the roof line of the building.

2. Landscaping must be installed as shown on the preliminary plan within the first growing season after construction is completed.

3. Since the motorhomes storage area is at the back of the property and over 600 feet from any adjacent residential property, the 50% opaque screening is waived.

4. That the industrial building be connected to City water and that an on-site sanitary sewer system be allowed if it meets all the requirements of the City made by Councilman Amundson. Seconded by Councilman McHattie. Carried viva voce.

Councilman Hammero arrived at 8:05 p.m.

The Council reviewed the petition made by Glendenning Farms for extension of utilities.

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

RESOLUTION NO. 79-75

A RESOLUTION DETERMINING SUFFICIENCY OF PETITIONS FILED PURSUANT TO M.S.A. 429.031, SUBD. 3 AND ORDERING IMPROVEMENT

WHEREAS, a petition has been submitted to this Council for the construction of an improvement to that real property described as the West 1/2 of Section 21 lying southerly of the Chicago, Milwaukee, St. Paul, and Pacific Railroad right-of-way (excluding the Whirlpool Company property), Washington County, Minnesota, consisting of sanitary sewer, water mains, house services and storm laterals, and for the assessment of the entire cost thereof against abutting property, now

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

1. It is hereby found and determined that the petition described in the preamble to this resolution is signed by all of the owners of real property affected by the improvement, in accordance with Minnesota Statutes, Section 429.031, Subdivision 3.

2. It is hereby ordered that said improvement shall be made, without a public hearing first being held thereon, and that the entire cost of said improvement shall be assessed against the petitioners.

3. Mr. Otto Bonestroo, of St. Paul, Minnesota, the consulting engineer for the City, is hereby authorized and directed to prepare final plans and specifications for said improvement and to submit them to this Council.

4. That no bid be awarded until the Subdivision Agreement and Development Bond is filed with the City.

Passed this 6th day of June, 1979.

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

Mr. Vern Jacobs, representing the South Washington County Junior Soccer League, appeared before the Council regarding the use of Hemingway Park for soccer games and practice. The Council advised Mr. Jacobs that Staff would be working with him in obtaining additional fields in the future for soccer.

Mr. Raymond A. Haik appeared before the Council regarding the petition of Schilling Melzerek and the J. L. Shiely Company for annexation of unincorporated property from the township of Grey Cloud into the City of Cottage Grove.

Mr. John Tomasely of 8049 113th Street Court spoke against the annexation.

Mrs. Leona Stiefel, a resident of Grey Cloud Township, spoke against the annexation.

Motion that the Council table any action regarding the annexation of part of Grey Cloud Township to the City of Cottage Grove, and that the City Staff is hereby directed to prepare a report for the Council with both pros and cons concerning the proposed annexation made by Councilman Denzer. Seconded by Councilman McHattie. Carried viva voce.

A Mr. Anderson, Attorney representing Mr. Warner Lembke, appeared before the Council regarding the complaints that the City had received regarding the trucking operation that Mr. Lembke was conducting from his property. After much discussion, the Council decided that they would give Mr. Lembke until the middle of July to comply with all of the conditions of the conditional use permit issued to him on February 21, 1979.

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

RESOLUTION NO. 79-76

RESOLUTION RECEIVING REPORT ON LANGDON PURPLE AREA STORM
DRAINAGE PLAN AND CALLING FOR HEARING ON IMPROVEMENT

WHEREAS, pursuant to resolution of the City Council adopted March 7, 1979, a report has been prepared by the City Engineer, Bonestroo, Rosene, Anderlik, & Associates, with reference to the Langdon Purple Area Storm Water Drainage Plan in Sections Ten (10) and Fifteen (15), and this report was received by the Council on June 6, 1979.

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

1. The Council will consider the storm drainage improvement in Sections Ten (10) and Fifteen (15) and the assessment of benefited property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Sections 429.011 to 420.111 (Laws 1953, Chapter 398, as amended) at an estimated cost of the improvement of \$1,433,185.00.

2. A Public Hearing shall be held on such proposed improvement on Wednesday, the 20th day of June, 1979, in the Council Chambers of the City Hall at 7:30 p.m., C.D.S.T., and the Clerk shall give mailed and published notice of such hearing and improvements as required by law.

Passed this 6th day of June, 1979.

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.

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

RESOLUTION NO. 79-77

RESOLUTION APPROVING ENVIRONMENTAL ASSESSMENT WORKSHOP,
PINETREE POND EAST PHASE II

WHEREAS, Orrin Thompson Construction Corp. has proposed a residential development located in Section 10, Township 27, Range 21, in the City of Cottage Grove, County of Washington, State of Minnesota, which development is called "Pinetree Pond East Phase II," and

WHEREAS, the said Orrin Thompson Construction Corp. has processed its entire proposal pursuant to the ordinances of the City of Cottage Grove through the Planning Commission and the City Council, and

WHEREAS, Orrin Thompson Construction Corp. has prepared an Environmental Assessment Worksheet and Findings, and

WHEREAS, the Staff of the City of Cottage Grove has met with representatives of the developer to review said Environmental Assessment Worksheet and Findings, and

WHEREAS, the City Council has reviewed said Environmental Assessment Worksheet and Findings prepared by Orrin Thompson Construction Corp., and

WHEREAS, the City Council of the City of Cottage Grove is in agreement with the Environmental Assessment Worksheet and Findings, and

WHEREAS, the City of Cottage Grove further reviewed the Findings as set forth in Section V, 1, 2 and 3 on Page 19 of the Environmental Assessment Worksheet and specifically agreed with all of said Findings set forth therein and therefore finds that the project is not a major action with potential for significant environmental effects and does not require the preparation of an Environmental Impact Statement;

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

1. That the Environmental Assessment Worksheet as prepared by Orrin Thompson Construction Corp. for the residential development called "Pinetree Pond East Phase II" in Section 10, Township 27, Range 21 in the City of Cottage Grove, County of Washington, State of Minnesota, is hereby and herein approved;

2. That the said Environmental Assessment Worksheet shall be distributed to the proper authorities of the State of Minnesota as required by law;

3. That the City of Cottage Grove further finds that the said "Pinetree Pond East Phase II" development is a governmental action and is not a major action because:

a. The development is located entirely within the corporate limits of the City of Cottage Grove.

b. The development is consistent with the goals and objectives of the Cottage Grove Comprehensive Development Plan.

c. The development is in conformance with pertinent ordinances and regulations.

d. The development will be served by City water, storm sewer, and sanitary sewer facilities.

e. The development will not overburden or otherwise negatively impact delivery or capacity of municipal services or facilities.

The development does not have the potential for significant environmental effects because:

a. The development will not significantly alter important site characteristics.

b. The development will create a quality residential environment with ample open space and recreational opportunities for prospective homeowners desiring housing in a moderate price range.

c. No county, regional or state facilities will be negatively impacted.

d. No county, regional or state natural resources will be negatively impacted.

Passed this 6th day of June, 1979.

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

Motion that the following license applications be approved: Dreyfuss Interstate Development Corp. for a general contractor's license, W. Construction Company, Inc. for a general contractor's license, Twin Cities Furnace for a heating contractor's license, and Hicks Concrete Construction, Inc. for a masonry contractor's license, made by Councilman Amundson. Seconded by Councilman McHattie. Carried viva voce.

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

RESOLUTION NO. 79-78

RESOLUTION ORDERING PREPARATION OF PLANS AND SPECIFICATIONS
FOR 90TH STREET SOUTH STREET IMPROVEMENT

WHEREAS, a resolution of the City Council adopted on the 18th day of January, 1978, fixed a date for a Council Hearing on the proposed improvement of 90th Street South, from Jamaca Avenue South to Jeffery Avenue South, and

WHEREAS, 10 days published notice of the hearing through two weekly publications of the required notice was given, and the hearing was held thereon on the 15th day of February, 1978, at which time all persons desiring to be heard were given an opportunity to be heard thereon.

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

1. Such improvement is hereby ordered as proposed in the Council resolution adopted April 5, 1978.
2. Bonestroo, Rosene, Anderlik & Associates are hereby designated as the engineers for this improvement. They shall prepare plans and specifications for the making of such improvement.

Passed this 6th day of June, 1979.

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

The Council reviewed the Parks, Recreation, and Natural Resources Commission minutes of May 9, 1979. The Attorney advised the Council that the Elwell Plan for Assessments on park development was only applicable to cities of the first class.

The Council discussed the park dedication fees for commercial and industrial development. Staff was directed to advise new commercial and industrial developments that the Council is considering amending the ordinance regarding these fees. Staff advised the Council that the City has made preliminary application for community development block grant funds for the purpose of helping acquire land for the Section 8 Townhouse Project. No action taken.

Because of the operating deficit at the City's swimming pool and the decline in season membership, it was the recommendation of the Staff that season membership be opened up to nonresidents of the community.

Motion that the Council accept the recommendation of Staff and open membership to the municipal swimming pool to nonresidents of the community made by Councilman Amundson. Seconded by Councilman Hammero. Carried viva voce.

The Attorney advised the Council that there was a conflict in the City Ordinance regarding the set-backs for garages and open spaces. The Council discussed this matter and did not make any recommendation as to how the ordinance should be changed. The Attorney was directed to prepare a proposed ordinance for consideration by the Council.

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

RESOLUTION NO. 79-79

RESOLUTION AWARDING BID,
CONSTRUCTION OF THREE-MILLION GALLON WATER RESERVOIR

WHEREAS, it appears that Brown Minneapolis Tank Company is the lowest responsible bidder, and

WHEREAS, it is the recommendation of the engineer that the contract be awarded to Brown Minneapolis Tank Company,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the proper City officials are hereby authorized and directed to enter into a contract as provided by law, with Brown Minneapolis Tank Company in the amount of \$496,450.00 for the construction of a three-million gallon water reservoir.

Passed this 6th day of June, 1979.

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.

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

RESOLUTION NO. 79-80

RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS, RIDGEWOOD FIRST ADDITION

WHEREAS, a certain petition requesting the installation of sanitary sewer, storm sewer, water mains, street lighting, sewer services, water services, street improvements, and concrete curb and gutter in the Ridgewood First Addition was duly presented to the Council on the 2nd day of May, 1979, and

WHEREAS, pursuant to a resolution of the Council, adopted May 2, 1979, a report has been prepared by the City Engineer, Bonestroo, Rosene, Anderlik & Associates, with reference to the improvements, and this report was received by the Council on June 6, 1979,

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

1. The Council finds and determines that said petition was signed by all owners of real property to be benefited by said improvements.
2. Such improvement is hereby ordered as proposed in the Council resolution adopted May 2, 1979.
3. Bonestroo, Rosene, Anderlik & Associates are hereby designated as the engineers for this improvement. They shall prepare plans and specifications for such improvement.

Passed this 6th day of June, 1979.

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

Motion that the Council approve Change Order No. 1 between the City and Allied Blacktop Company regarding the 1979 street seal coat project by deducting from the original bid the amount of \$18,568.32 made by Councilman Denzer. Seconded by Councilman McHattie. Carried viva voce.

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

RESOLUTION NO. 79-81

RESOLUTION REJECTING BIDS AND AUTHORIZING THE READVERTISING
FOR BIDS FOR TWO PORTABLE CARDIAC MONITORS

WHEREAS, sealed bids were received on Tuesday, June 6, 1979, for the furnishing of two portable cardiac monitors, and

WHEREAS, only one company submitted a bid for the furnishing of said monitors, and

WHEREAS, in the opinion of the Director of Public Safety and the Clerk Administrator, said bid did not meet specifications, and it is recommended that the City Council authorize the readvertising for bids for said monitors.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that based on the recommendation of the Director of Public Safety and the Clerk Administrator, the bid received from Mid-West Instruments Company, Inc., for the furnishing of two portable cardiac monitors be rejected, and

BE IT FURTHER RESOLVED, that the plans and specifications for the furnishing of the two portable cardiac monitors approved by Resolution No. 79-71 be, and hereby are the specifications with which the Clerk Administrator is hereby authorized and directed to readvertise for sealed bids to be received in his office until 10:00 A.M., C.D.S.T., Tuesday, June 26, 1979, at which time they will be publicly opened and read aloud. The Clerk is also directed to cause to be published in the Washington County Bulletin, the official newspaper of the City, at least 10 days before the date for the opening of bids, a Notice of Bids as required by law.

Passed this 6th day of June, 1979.

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.

Motion that Ms. Margaret Chadwick be hired as a part-time secretary for the South Communities Youth Service Bureau at a salary of \$2.90 per hour made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

Motion that the Council approve the Appalachian Cultural Exchange Project with the stipulation that no City funds be expended for this project, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Motion that Ms. Jean Reeves be paid an additional \$40.00 for the month of May for assuming the position of Chief Dispatcher made by Councilman McHattie. Seconded by Councilman Amundson. Carried viva voce.

The Mayor called for a special meeting to be held on July 3, 1979. The regular meeting to be held on July 5, 1979, is hereby canceled for lack of quorum.

The Council reviewed the request to make application to Washington County for community health services funds.

Motion that Staff be authorized to apply to Washington County for community health services funds in support of the City's Code Enforcement Program made by Councilman Amundson. Seconded by Councilman Hammero. Carried viva voce.

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

Motion that the Council allow \$300.00 for the July 4, 1979 Fireworks Display for 1979 made by Councilman Amundson. Seconded by Councilman Hammero. Carried viva voce

Council Mtg, June 6, 1979

Page 12

Motion that the Council authorize to send the Clerk and two Councilmen to the National Cities Convention in 1979 made by Councilman Denzer. Seconded by Councilman Hamero. Carried 4 ayes, one nay, Councilman Amundson voting nay.

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

Meeting adjourned at 11:12 p.m.

Respectfully submitted,

Carl F. Meissner

CARL F. MEISSNER
Clerk Administrator

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 14 1979

Jean Anderson Howe
Secretary of State

O. P. #32199