

*Cheri Mattson*

Pursuant to due call and notice thereof, a special meeting was duly held at the City Hall, 7516 80th Street South, on the 22nd day of August, 1979, at 7:35 o'clock p.m.

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

And the following were absent: Councilman Amundson (excused)

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 Jaycees for a Temporary "On-Sale" Nonintoxicating Malt Liquor License on Sunday, August 26, 1979, at the Majestic Ballroom parking lot, located at 9165 Pt. Douglas Drive. 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 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 on Sunday, August 26, 1979, at the Majestic Ballroom parking lot, located at 9165 Pt. Douglas Drive South be approved made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

Ms. Margaret Roarke appeared before the Council requesting them to consider having a speed zone survey conducted on Trunk Highway 61 from approximately Jamaca Avenue South northwesterly to approximately one mile north of the Belden and 61 intersection.

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

RESOLUTION NO. 79-116

RESOLUTION REQUESTING MINNESOTA DEPARTMENT OF TRANSPORTATION  
TO CONDUCT A SPEED ZONE SURVEY ON TRUNK HIGHWAY  
10 AND 61

WHEREAS, the Minnesota Department of Transportation eliminated the construction of a diamond interchange at the intersection of Trunk Highway 61 and Belden Boulevard and also Trunk Highway 61 and Jamaca Avenue South, and

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WHEREAS, this delay to start construction is estimated to be at least two years and that the construction of the interchange will take approximately an additional two years, and

WHEREAS, the intersection of Trunk Highway 10 and 61 and Belden Boulevard is one of the most dangerous intersections in the metropolitan area insofar as accidents and deaths, now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that it hereby petitions the Commissioner of the Department of transportation to have a speed zone survey on Trunk Highway 10 and 61 between Jamaca Avenue South and approximately 1/2 mile northwesterly of Belden Boulevard, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Commissioner of Transportation and Governor of the State of Minnesota.

Passed this 22nd day of August, 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 Denzer, Councilman Hammero, Councilman McHattie, and Mayor Peterson. And the following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that the resolution granting the conditional use permit for Woodmount Townhouses be reconsidered made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

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

RESOLUTION NO. 79-117

RESOLUTION GRANTING CONDITIONAL USE PERMIT FOR  
WOODMOUNT TOWNHOUSES

WHEREAS, the Cottage Grove Association filed an application for a conditional use permit for a townhouse project consisting of 50 units on the property which is described as follows:

All that part of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 21, Township 27, Range 21, described as: Beginning at the Northwest corner of said NE $\frac{1}{4}$  of NE $\frac{1}{4}$ ; thence on an assumed bearing of North 89 degrees 59 minutes 40 seconds East along the North line of said Section 21 for a distance of 656.585 feet; thence on a bearing of South 0 degrees 03 minutes 11 seconds West; parallel with the West line of said NE $\frac{1}{4}$  of NE $\frac{1}{4}$  for a distance of 464.4 feet; thence on a bearing of South 89 degrees 59 minutes 40 seconds west; parallel with said North line of Section 21, for a distance of 656.585 feet to the said West line of the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ ; thence on a bearing of North 0 degrees 03 minutes 11 seconds East along

the said West line of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  for a distance of 464.4 feet to the point of beginning containing 7 acres more or less and subject roads, City of Cottage Grove near the intersection of 90th Street South and Islay Avenue South,

and,

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove held a public hearing on said application on the 25th day of June, 1979, and recommended approval of said conditional use permit, subject to certain conditions; and

WHEREAS, non-residential traffic will not create a safety hazard; the proposed use will be sufficiently separated by distance or screen from adjacent residential zone land so that existing homes will not materially depreciate in value and there will be no deterrence to development of vacant land; that the structure and site will have an appearance that will not have an adverse effect upon adjacent residential property; that there will be no exterior signs other than those permitted in a residential district; and

WHEREAS, the City Council has reviewed said application and the conditions recommended by the Planning Commission and finds them to be proper and appropriate under all the 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 of the Cottage Grove Association for a conditional use permit for a townhouse development consisting of 50 units on the above-described property shall, and the same hereby is, approved, subject to hereinafter stated conditions:

1. That the variance is hereby granted from the setback requirements for the garages along Islay Avenue, and said garages shall be located so as to allow for a 15 foot setback.

Passed this 22nd day of August, 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 Denzer, Councilman McHattie, Councilman Hammero, and Mayor Peterson. And the following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that the Council approve the Citizen Participation Plan for Community Development applications so that they may have adequate opportunity to participate in the planning, implementation and assessment of the program, as outlined in the Memorandum from the Planning Department, dated July 31, 1979, made by Councilman Denzer. Seconded by Councilman McHattie. Carried viva voce.

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

ORDINANCE NO. 313

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA  
REGULATING THE REFUND OF UNCLAIMED SEWER AVAILABILITY CHARGE REFUNDS

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

SECTION 1:

Section 1.01 Definitions. The following words and phrases, as used in this Ordinance shall have the meanings ascribed to them:

- 1.011 SAC Charge. A sum of money collected by the City of Cottage Grove on behalf of the MWCC to pay debt service on Metropolitan Treatment Works and Metropolitan Interceptors.
- 1.012 Treatment Works Portion. That portion of the SAC Charge attributed to service on Treatment Works.
- 1.013 Interceptor Portion. That portion of the SAC Charge attributed to debt service on Interceptors.
- 1.014 MWCC. The Metropolitan Waste Control Commission, formerly The Metropolitan Sewer Board.
- 1.015 City. The City of Cottage Grove, Minnesota.
- 1.016 Administrative Charge. 1% of the SAC Charge permitted under MWCC regulations, to be retained by the City upon collection of the SAC Charge, together with 10% of the unclaimed SAC Refund returned to administer the Refund.
- 1.017 SAC Refund. The amount of the SAC Charge remaining after deduction of the Administrative Charge and the Treatment Works Portion from the SAC Charge.
- 1.018 Permit Taker. The person who, according to City records, actually paid the SAC Charge to the City.
- 1.019 Record Owner. Any person who, on the date the SAC Charge was paid, owned, or was purchasing a fee simple interest in the building site to which the permit is applicable, evidenced by any of the following:
  - (a) a deed recorded in the Office of the County Recorder;
  - (b) a Contract for Deed;
  - (c) a Land Purchase Agreement subsequently culminating in either (a) or (b).
- 1.0110 Beneficial Owner. In a case where the permit is taken for new construction, the Beneficial Owner is any of the following:
  - (a) the first owner/occupant of a single family dwelling;
  - (b) the first owner/landlord of a rental dwelling;
  - (c) the first owner/occupant or owner/landlord of a commercial industrial, institutional or other building.

- 1.0111 Applicant. The Record Owner, Beneficial Owner, Permit Taker or other person who makes application for a SAC Refund.
- 1.0112 Unclaimed Refund. The SAC Refund attributable to those building sites for which no claims for refund were properly filed pursuant to Cottage Grove Ordinance No. 306 and amendments thereto.

Section 2.01 Intent and Purpose. The City Council finds that no claims for SAC Refunds were filed with respect to a number of building sites for which refund claims could have been filed pursuant to Ordinance No. 306. The Council desires to provide a means for payment of refunds attributable to those building sites for which no refund claims have previously been filed under Ordinance No. 306 or its amendment.

Section 3.01 Notice of SAC Refund. The City Clerk is hereby authorized and directed to publish notice of Unclaimed SAC Refund in the Official Newspaper of the City on one day of each week for three successive weeks. No other notice of SAC Refund shall be provided.

Section 4.01 Application for Unclaimed SAC Refund. Applications for an Unclaimed SAC Refund shall be made in the following manner and requests for refunds made in any other manner will not be considered:

- 4.011 All applications for Unclaimed SAC Refunds shall be made on application forms provided by the City Clerk. The application shall contain, but not be limited to, the name, address and telephone number of the applicant, the date on which the SAC Charge was paid, a concise statement of the facts explaining the applicant's right to the refund, together with any other relevant information required by the City Clerk.
- 4.012 All applications shall be signed and verified by the applicant and filed with the City Clerk no later than 5:00 P.M. on the 31st day of October, 1979. Applications filed after the 31st day of October, 1979, will not be considered for a Refund and no Refund will be paid to applicants filing thereafter.
- 4.013 The Unclaimed SAC Refund shall be computed by the City Clerk and shall consist of such portion of the original SAC Charge for which no claims were filed under Ordinance No. 306, remaining after deducting the Treatment Works Portion and the Administrative Charge, provided, however, that should any shortage appear to have been made in the amount of the SAC Refunds obtained from the MWCC, such shortage shall be deducted, prorata, from each Unclaimed SAC Refund made.
- 4.014 No payment for an Unclaimed SAC Refund shall be made until 67 days, or more, after the last publication of the Notice of SAC Refund. All eligible SAC Refunds shall be made within 10 days after the expiration of the said 67th day.

Section 5.01 Disputed Refunds. No Refund shall be made on any Unclaimed SAC Charge for which two or more Applications for Refunds are made unless all applicants submit a written request setting forth the manner in which the Unclaimed Refund is to be distributed between or among them. Any Unclaimed SAC Refund, including Disputed Refunds, which remain unallocated and unpaid one year after the last publication of the Notice of Unclaimed SAC Refund shall be paid into the General Fund of the City together with any interest accrued on the SAC Refunds.

Section 6.01 Litigation Expenses. The amount of any Unclaimed SAC Refund, as computed by the City Clerk, as to which litigation is commenced in any Court of Law shall be set aside in a separate account and payments made therefrom only in accordance with the final order of the Court after appeal rights have expired. In the event the City is made a party to any such litigation, or in the event that the City Council deems it in the public interest to enter such litigation, legal expenses, court costs, expert witness fees and other expenses connected with the litigation shall be deducted prorata from any Unclaimed SAC Refund subsequently paid from the Litigation Fund.

Section 7.01 Penalties. Any person who knowingly presents false information in connection with an Application for Unclaimed SAC Refund, upon conviction thereof shall be subject to a fine and not to exceed \$500.00 or to imprisonment for a period not to exceed 90 days, or both.

SECTION II.

This Ordinance becomes effective upon its adoption and publication. Adopted by the City Council of the City of Cottage Grove this 22nd day of August, 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 Hammero, Councilman Denzer, Councilman McHattie, and Mayor Peterson. And the following voted against the same: None. Whereupon said ordinance was duly declared passed.

The Council established September 4, 1979, at 5:30 p.m., to hold the first budget meeting, September 12, 1979, at 7:30 p.m., and October 3, 1979 the Council set a public hearing on the use of revenue sharing funds. The September 4, 1979 meeting will consist of a general review of the entire budget reviewing administrative budgets, Fire Department budget, and the Public Safety Department budget. September 12, 1979 will be for the review of the remainder of the Public Safety Department's budget and Public Works Department's budget. Additional meetings will be set on or after the September 4, 1979 meeting.

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

Meeting adjourned at 8:20 p.m.

Respectfully submitted,

*Carl F. Meissner*

CARL F. MEISSNER  
Clerk Administrator

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
AUG 27 1979  
*Jean Anderson Howe*  
Secretary of State

#32334  
O.D.