

Pursuant to due call and notice thereof, a regular meeting was duly held at the City Hall, 7516 80th Street South, on the 3rd day of October, 1979 at 7:30 o'clock P.M.

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

And the following were absent: Councilman Hamnero (excused)

Mayor Peterson presided.

The minutes of the September 17, 1979 special meeting were reviewed. There being no additions or corrections, they were approved as mailed.

The minutes of the September 19, 1979 regular meeting were reviewed. There being no additions or corrections, they were approved as mailed.

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

RESOLUTION NO. 79-132

RESOLUTION APPROVING CONSENT ITEMS ON CITY COUNCIL  
AGENDA OF OCTOBER 3, 1979

BE IT RESOLVED, that Resolution No. 79-133, a Resolution Granting Conditional Use Permit to Russell Gausman for Accessory Building; Resolution No. 79-134, a Resolution Approving the Appointment of Election Judges for the City Election to be Held on the 6th day of November, 1979; and a license application from Murray Remodeling for a general contractor's license be approved.

Passed this 3rd day of October, 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 Amundson, Councilman McHattie, Councilman Denzer, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Reverend Timms of the Park Grove Christian Center appeared before the Council and the citizens of the community and advised them that he is withdrawing his application for a Conditional Use Permit to construct a church on certain property located on 70th Street South in the City.

The Mayor directed that the attorney meet with Reverend Timms and his attorney to work out an equitable settlement to terminate the sales contract with the City for the purchase of land and any other cost that was incurred by Reverend Timms relating to this proposed sales contract.

The Mayor read aloud a Proclamation citing the month of October, specifically the week of October 14 through 20, 1979, as Lions International Week.

Three girls representing the Camp Fire Girls presented the Mayor and Council with a box of candy kicking off their annual candy sale.

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

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RESOLUTION NO. 79-135

RESOLUTION DECLARING POLICY OF CITY NOT TO SELL  
PARK LANDS AND OPEN SPACES

WHEREAS, the City of Cottage Grove has numerous developed parks and other open spaces within the City, and

WHEREAS, the City's parks and open spaces add to the general health and welfare of the residents of the City of Cottage Grove and make Cottage Grove a more desirable place to reside and raise a family, and

WHEREAS, the sale or disposal of park lands or other open spaces within the City of Cottage Grove may tend to reduce the desirability of Cottage Grove as a place for residents to live and raise their families, and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that said Council hereby declares it to be the policy of the City of Cottage Grove that City park lands and open spaces designated on official City Maps used to indicate various land uses posted in or about the City offices shall not be sold or otherwise disposed of.

Passed this 3rd day of October, 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 Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

The citizens in the Highlands First Addition and Highlands Second Addition presented a petition to the Council opposing the granting of a Conditional Use Permit for a church.

The Mayor accepted the petition and ordered it placed on file in the office of the City Clerk.

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 proposed use of Revenue Sharing Funds to be received by the City during the calendar year 1980. 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 Clerk advised the Council of some changes in the proposed expenditures and revenue for 1980, 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 Council accept the proposed use of Revenue Sharing Funds to be used to pay off the loan for the aerial ladder truck and Public Works remodeling and to balance the general fund budget, made by Councilman Denzer. Seconded by Councilman Amundson. Carried viva voce.

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Motion that the application of Mr. Gary D. Miller for a minor subdivision of a 1.38 acre parcel located at 7230 Lamar Avenue South be approved with the understanding that one (1) lot will be 67.16 feet in width at the building set back line and that each parcel is approximately 7/10th of an acre in size, made by Councilman McHattie. Seconded by Councilman Denzer. Carried viva voce.

Motion that the application of Mr. Wayne Renstrom for a variance from the minimum lot size requirement for a lot described as follows:

"Houses Island View, Part Lot C, beginning at SW corner Lot 16, then South on West line SD Lot extending 309 ft."

be approved, subject to the following conditions:

- A. The developer must prove that the development on the slope can be accomplished without increasing erosion.
- B. Soil types and the geology must be suitable for slope development.
- C. There must be proper management of vegetation to control runoff.
- D. All construction and grading must be coordinated with the Building Inspection and Planning Departments.
- E. Adequate erosion control measures must be approved by the Planning Department prior to construction of the dwelling and the installation of the on-site disposal system.

made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Motion that the application of Mr. John Goebel to modify a minor subdivision by adding approximately 4.1 acres to Lot A be approved subject to the following conditions:

- A. The applicant shall dedicate a 60 foot right-of-way for road and utility purposes along the southerly most side of Lot A. Thirty feet of the right-of-way shall be on Lot A, and the remaining thirty feet shall be taken from the applicant's property abutting the southerly line of Lot A.
- B. No building permit shall be issued for Lot A until the applicant has provided an approved road serving Lot A.
- C. The applicant shall enter into a subdivision agreement guaranteeing that said improvements shall be made and that the required easement shall be transferred to the City of Cottage Grove.

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

Ms. Cynthia Engfer appeared before the Council requesting that an equitable salary be established for her. The Administrator and the Director of Public Safety

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presented their views as to the title that should be given Ms. Engfer.

Motion that Ms. Engfer be given a 7% increase effective February 16, 1979, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

The Council directed the Administrative Assistant and the Director of Public Safety to present job descriptions to them so that they might make a decision as to what job title Ms. Engfer should have.

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

RESOLUTION NO. 79-136

RESOLUTION APPROVING 1979 TAX LEVY, COLLECTIBLE IN 1980

BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the following sums of money be levied for the current year, collectible in 1980, upon the taxable property in said City of Cottage Grove for the following purposes:

General Fund	\$ 1,136,049.00
Ice Arena Fund	50,000.00
Tree Disease Fund	68,843.00
Debt Service	266,050.00
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	\$ 1,520,942.00

BE IT FURTHER RESOLVED, that the City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Washington County, Minnesota, and

BE IT FURTHER RESOLVED, that this levy does not exceed the levy limitations as set forth in the Omnibus Tax Act of 1971.

Passed this 3rd day of October, 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, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

The Council discussed the use of the pole barn constructed by Mr. Werner Lembke. The Attorney advised the Council as to what action he will be taking in the filing of a complaint if no other new application for a Conditional Use Permit is received from Mr. Lembke.

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

ORDINANCE NO. 317

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA,  
AMENDING CHAPTER 28 OF THE CITY CODE WITH RESPECT TO ACCESSORY  
BUILDINGS AND DELETING AND ADDING CERTAIN DEFINITIONS

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, County of Washington, State of Minnesota, shall be amended by deleting from Chapter 28, Article I, Sec. 28-3(b), the following definitions:

Garage, private.

Garage, storage.

SECTION 2. AMENDMENT. The Code of the City of Cottage Grove, County of Washington, State of Minnesota, shall be amended by amending Chapter 28, Article I, Sec. 28-3(b), as follows:

Accessory use or structure. A use or structure subordinate to the principal use or buildings on the same lot and serving a purpose customarily incidental thereto. Such uses are considered as permitted uses and do not require a conditional use permit.

Agricultural, rural. Rural agricultural is a commercial crop-producing use on ten (10) or more contiguous acres and as defined under a portion of Minnesota Agricultural property tax law (Green Acres Law), Section 273.11 of the Minnesota Statutes, Agricultural Property Tax, Subd. 6, to-wit: Real property shall be considered to be an agricultural use provided that annually: (1) at least thirty-three and one-third percent (33-1/3%) of the total family income of the owner is derived therefrom, or the total family income, including rental income from the property, is Three Hundred (\$300.00) Dollars plus Ten (\$10.00) Dollars per tillable acre; and (2) it is devoted to the production for the sale of livestock, dairy animals; dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, and apiary products.

Agricultural, urban. An area of less than ten (10) contiguous acres which is used for the purpose of growing produce, including crops, fruits, trees, shrubs, plants, and flowers, vegetables and the like; provided that such produce is intended solely for the use of residents on the property or sale away from the property. It shall not include roadside stands for the sale of products, processing, or packaging operations or similar uses. It shall not include the raising of farm animals on parcels of less than five (5) acres.

SECTION 3. AMENDMENT. The Code of the City of Cottage Grove, County of Washington, State of Minnesota, shall be amended by amending Chapter 28, Article III, Sec. 28-21 - Accessory buildings and structures, as follows:

(a) All permitted accessory buildings in R-1, 2, 3 and 4 shall be subject to

the following:

- (1) No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- (2) With the exception of farm buildings, no accessory building shall exceed the height of the principal building unless a conditional use permit is issued.
- (3) No detached garages or other accessory buildings shall be located nearer the front lot line than is the principal building on the lot.
- (4) All accessory buildings on through lots located in R districts shall require a conditional use permit, with the exception of tool sheds.
- (5) No tent, trailer, camper, motor home, mobile home or accessory building shall at any time be used as an occupied building, except mobile homes located in a mobile home park as required by this Chapter.
- (6) No accessory building or structure, unless an integral part of the principal building, shall be erected, altered, or moved within ten feet of the principal building.
- (7) No residential accessory structure shall be used for commercial or industrial activities or storage, except as allowed in Paragraphs (d) and (e) below.
- (8) Not more than twenty-five percent (25%) of the lot, parcel or tract of land shall be covered by accessory buildings or structures in any residential zone.
- (9) On any one lot, there shall not be more than one (1) detached private garage.
- (10) One (1) storage or tool shed shall be allowed in R districts 1, 2, 3 and 4, in addition to the total number of other accessory buildings allowed for the site.
- (11) In an R-1 district where the property consists of less than ten (10) acres, accessory buildings shall be limited to two (2) in number, and the total square footage of said building(s) shall not exceed One Thousand Three Hundred Fifty (1,350) square feet.
- (12) Districts R-2, 3 and 4 shall be limited to one (1) accessory building with a minimum area of One Thousand (1,000) square feet.

All accessory buildings complying with the foregoing requirements shall be permitted as provided in Sections (b), (c), (d) and (e) below.

(b) In Districts R-1, 2, 3 and 4, storage/tool sheds and detached residential garages are permitted, subject to the following:

- (1) Storage or tool shed. Storage or tool sheds shall not exceed one story and shall consist of less than 160 square feet gross area with a maximum roof

height of 12 feet. The exterior colors and materials shall be compatible with the principal structure or shall utilize earthen tones. No door or other access opening in the storage or tool shed shall exceed 28 square feet in area. A storage or tool shed shall not be of a pole barn type construction.

(2) Detached Residential Garage. Garages shall not exceed one story in height, with a maximum height of 14 feet, and a maximum gross area of 1,000 square feet. No door or other access opening shall exceed ten feet in height. The exterior color, design and material shall be similar to the principal structure. The detached residential garage shall not be of a pole barn type construction.

(c) In Districts R-1 and R-2, detached rural storage buildings shall be permitted by conditional use permit only, and the total area of all accessory structures shall not exceed 1,000 square feet, one story in height, and the color shall be compatible with the principal structure, or utilize earthen tones.

(d) Detached domesticated farm animal buildings shall be permitted on parcels between five and ten acres in R-1 districts by conditional use permit. Said buildings shall be permitted in R-2 and R-3 districts by conditional use permit provided the subject property is "Agricultural, rural", as defined by this Ordinance. Said buildings shall be limited to one story and shall not exceed 1,000 square feet in area, and shall be subject to the permit requirements of the Minnesota Pollution Control Agency.

(e) Agricultural farm buildings and detached domesticated farm animal buildings shall be permitted without limitation as to the area or number of buildings in districts where the subject property is "Agricultural, rural", as defined by this Ordinance, and no conditional use permit shall be required.

SECTION 4. AMENDMENT. The Code of the City of Cottage Grove, County of Washington, State of Minnesota, shall be amended by amending Chapter 28, Article VI, Sec. 28.53(c) (9), to read as follows:

"Accessory buildings and structures requiring a conditional use permit as provided in Sec. 28-21".

SECTION 5. AMENDMENT. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 3rd day of October, 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 Amundson, Councilman Denzer, Councilman McHattie, and Mayor Peterson. The following voted against the same: None. Whereupon said ordinance was duly declared passed and adopted.

The City Planner presented to the Council the Mississippi River Critical Area Plan as required by state law.

The Council reviewed the plan.

Motion that the Council accept the Mississippi River Critical Area Plan as submitted by the Planner and that it be submitted to the Environmental Quality

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Board and the Metropolitan Council for their review and comments, made by Councilman McHattie. Seconded by Councilman Denzer. Carried viva voce.

The Council reviewed the recommendation from staff and from the Parks, Recreation and Natural Resources Commission regarding the park dedication fees for the Woodmount Townhouse project.

Motion that the Council authorize waiving 50% of the proposed park dedication fee for the Woodmount Townhouse project based on the following reasons:

1. 73.5% of the project is open space.
2. The developers propose to spend approximately the same amount on recreational equipment as would be required under the City's Cash Dedication Ordinance.
3. The project is proposed for low to moderate income residents and if the fees were waived this money could be used to improve the overall project.
4. By having low to moderate income housing in Cottage Grove, the City would be better qualified for future state and federal grants.
5. The future residents of the Ridgewood Addition will most probably utilize this open space, especially the small children that are not permitted to cross 90th Street to go to Woodridge Park.

made by Mayor Peterson. Seconded by Councilman Amundson. Carried 3 ayes, 1 nay. Councilman Amundson voting nay.

Motion that Change Order No. 1 between the Brown-Minneapolis Tank Company and the City of Cottage Grove for the adding to the construction of a 3 million gallon water reservoir a "Permanode" cathodic protection system as installed by the Harco Corporation and adding an additional \$5,100.00 to the contract, be approved made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

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

RESOLUTION NO. 79-137

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
\$2,335,000 IMPROVEMENT BONDS

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

1. This Council has heretofore ordered the local improvement designated below to be constructed in or acquired by the City, and has contracted or will contract for the construction or acquisition of each said improvement, pursuant to Minnesota Statutes, Chapter 429. The designation and estimated total cost of such improvements is as follows:



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<u>Project Designation</u>	<u>Estimated Cost</u>
<u>Water, Sewer &amp; Storm Sewer Extensions</u>	
Ridgewood 1st Addition	\$ 283,589.90
Plus: contingency, administrative, legal & fiscal fees and capitalized interest	68,038.50
Less: interest earned	<u>11,628.40</u>
Total	340,000.00
Pinetree Pond East 1st Addition	248,060.00
Plus: contingency, administrative, legal and fiscal fees and capitalized interest	59,709.00
Less: interest earned	<u>7,769.00</u>
Total	300,000.00
Pinetree Pond East 2nd Addition	770,000.00
Plus: contingency, administrative, legal and fiscal fees and capitalized interest	186,000.00
Less: interest earned	<u>16,000.00</u>
Total	940,000.00
<u>Storm Drainage Improvement</u>	
Langdon Purple Area Storm Water Drainage District	447,000.00
Plus: contingency, administrative, legal and fiscal fees and capitalized interest	145,350.00
Less: interest earned	<u>12,350.00</u>
Total	580,000.00
<u>Street Lighting</u>	
Ridgewood 1st Addition	
Pinetree Pond East 1st Addition	
Pinetree Pond East 2nd Addition	110,000.00
Plus: contingency, administrative, legal and fiscal fees and capitalized interest	27,115.00
Less: interest earned	<u>2,115.00</u>
Total	135,000.00
Grand Total	\$2,295,000.00

2. It is hereby found and determined that it is necessary and expedient for the City to issue and sell its Improvement Bonds in the principal amount of \$2,295,000 to finance the cost of said improvements, pursuant to Minnesota Statutes, Chapter 429; and to obtain the best bid for said bonds at public sale, to sell and issue an additional \$40,000 principal amount of like bonds representing interest together with said bonds, pursuant to Minnesota Statutes, Section 475.56.

3. The City Administrator is hereby authorized and directed to cause the abbreviated notice of sale of the bonds presented to the Council on this date to be published once in the official newspaper of the City and in the Commercial West, published in Minneapolis, Minnesota, not less than ten (10) days prior to October 29, 1979.

This Council shall meet at the City Hall on Monday, October 29, 1979, at 7:30 o'clock P.M. for the purpose of considering the bids received for the purchase

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of said bonds.

Passed this 3rd day of October, 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, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that the Subdivision Agreement between Orrin Thompson Homes Division, U.S. Homes Corporation and the City of Cottage Grove for Pinetree Pond East Second Addition be approved and that the Mayor and Clerk are hereby authorized to sign said agreement, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

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

RESOLUTION NO. 79-138

RESOLUTION AWARING BID - WATER & SEWER EXTENSIONS  
IN PINETREE POND EAST 2ND ADDITION

WHEREAS, it appears that C. W. Houle, Inc. is the lowest responsible bidder,  
and

WHEREAS, it is the recommendation of the Engineer that the contract be awarded to C. W. Houle, Inc., 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 C. W. Houle, Inc., in the amount of \$713,943.50 for water and sewer extensions in Pinetree Pond East Second Addition.

Passed this 3rd day of October, 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, and Mayor Peterson. The following voted against same: None. Whereupon said resolution was duly declared passed and adopted.

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

RESOLUTION NO. 79-139

RESOLUTION AWARING BID - STREET IMPROVEMENT  
IN RIDGEWOOD ADDITION AND 90TH STREET SOUTH

WHEREAS, it appears that Pine Bend Paving is the lowest responsible bidder,  
and

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WHEREAS, it is the recommendation of the Engineer that the contract be awarded to Pine Bend Paving, 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 Pine Bend Paving, in the amount of \$277,741.60 for street improvements in Ridgewood Addition and 90th Street South.

Passed this 3rd day of October, 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 Amundson, Councilman McHattie, 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 resolution and moved for its adoption:

RESOLUTION NO. 79-140

RESOLUTION AWARDED BID - STREET LIGHTING IN  
RIDGEWOOD ADDITION AND PINETREE POND EAST ADDITION

WHEREAS, it appears that Kehne Electric Company is the lowest responsible bidder, and

WHEREAS, it is the recommendation of the Engineer that the contract be awarded to Kehne Electric 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 Kehne Electric Company, in the amount of \$53,425.00 for the installation of street lighting in Ridgewood Addition and Pinetree Pond East Addition.

Passed this 3rd day of October, 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, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

The Council reviewed the letter received from Capitol City Cablevision, Inc. regarding their application for a cable services territory.

Motion that the City of Cottage Grove go on record as petitioning Capitol City Cablevision, Inc. to extend the cable services territory to the City of Cottage Grove and also petitioning the Minnesota Cable Communications Board to be included in the proposed territory, made by Councilman Denzer. Seconded by Councilman McHattie. Carried viva voce.

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O.D.

The Council reviewed the notice received from the City of Hopkins of the regional meeting of the League of Minnesota Cities to be held on October 25, 1979.

The Council reviewed the notice received from the Metropolitan Council regarding a meeting to be held at Woodbury City Hall on October 16, 1979.

Motion that the bills as presented be allowed with the addition of a bill for \$300.00 submitted by John Behnke for the Human Services Directories, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.


The Council reviewed the analysis and recommendation regarding the computer system selection. It was the feeling of the Council that they would wait until Councilman Hammero was present to make a decision.

Motion that the resignation of Mr. Dennis Dolan from the Planning and Zoning Commission be accepted and approved and that the Clerk is hereby directed to send the necessary letter and certificate of appreciation to Mr. Dolan, made by Councilman McHattie. Seconded by Councilman Amundson. Carried viva voce.

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

The meeting adjourned at 10:38 P.M.

Respectfully submitted,



CARL F. MEISSNER  
Clerk Administrator

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
OCT 11 1979

*Jean Anderson Howe*  
Secretary of State

4324B

O.D.