

Pursuant to due call and notice thereof, a regular meeting was duly held at the City Hall, 7516 80th Street South, on the 2nd day of January, 1980 at 7:30 o'clock P.M.

The following members were present: Mayor Peterson
Councilman Amundson
Councilwoman Berndt
Councilman Denzer
Councilman Hamnero

And the following were absent: None

Mayor Peterson presided at the meeting.

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

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

RESOLUTION NO. 80-1

RESOLUTION APPROVING CONSENT ITEMS ON CITY
COUNCIL AGENDA OF JANUARY 2, 1980

BE IT RESOLVED, that license applications from Gopher Disposal for a garbage and rubbish hauler's license; Roadway Rubbish Service for a garbage and rubbish hauler's license; Green Leaf Tree Service, Inc. for a tree removal contractor's license; Superior Music for an amusement license; National Amusement for an amusement license; E.D.S. Construction for a general contractor's license; and Attracta Sign, Inc. for a sign erection contractor's license, be approved.

Passed this 2nd day of January, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Hamnero. Upon vote being taken thereon, the following voted in favor thereof: Councilman Denzer, Councilman Hamnero, Councilman Amundson, Councilwoman Berndt, 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. 80-2

RESOLUTION GRANTING MINOR SUBDIVISION TO AXEL BLOOMQUIST

WHEREAS, Axel Bloomquist has made application for a Minor Subdivision; and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove held a Public Hearing on said application on December 17, 1979 and recommended approval of said subdivision subject to certain conditions,

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 Axel Bloomquist

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for a Minor Subdivision on the lands described as follows:

The East One-Half of the Northeast One Quarter (E $\frac{1}{2}$ of NE $\frac{1}{4}$)
of Section Three (3), Township Twenty-Seven North (T27N),
Range Twenty-One West (R21W), Washington County, Minnesota,

shall be, and the same hereby is, approved, subject to the hereinafter stated conditions:

1. No side yard variances for parcel "a" shall be considered.
2. A private road access easement extending from the north line of parcel "A" through both lots to the south line of parcel "B", parallel to County Road 19 shall be shown on the Certificate of Survey. This easement shall be 60 feet in width and shall not be contained in the existing County Road easement.
3. The park dedication fee of \$275.00 per lot shall be paid prior to recording of the subdivision.
4. Only one (1) driveway for both lots shall be allowed to be connected to County Road 19.

Passed this 2nd day of January, 1980.

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

The Council directed the City Planner to clarify Resolution No. 74-104 and to place this matter on the agenda in the near future.

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

RESOLUTION NO. 80-3

RESOLUTION APPROVING PRELIMINARY PLAT FOR ROGER HOWARD

WHEREAS, Roger Howard has made application for approval of a preliminary plat and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove, opened a Public Hearing on said preliminary plat application and concluded said Public Hearing on December 17, 1979, and recommended approval of said plat, subject to a number of conditions,

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 Roger Howard for a preliminary plat be approved, subject to the hereinafter stated conditions:

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1. That the following variances be approved:
 - a. A variance from the subdivision regulations in order to allow a cul-de-sac longer than 600 feet. The cul-de-sac will be temporary, with provisions made to allow Granada Avenue to continue through the subdivision.
 - b. Lot #2 on Block 1 does not meet the minimum of 180 feet width at the setback line, and, therefore, any dwelling on this parcel must be set back until the lot width is at 180 feet.
 - c. A variance must be granted from Section 28-28(b) of the City Code in order to allow 1½ acre parcels. Soil borings and percolation tests made by R. E. Machmeier, a soil scientist, prove that the soils tested are ideally suited for on-site sewage treatment systems, and that 1½ acre sites will provide adequate room for these systems.
 - d. A variance from the provisions of Resolution No. 74-104 must be issued based on the findings that the developer has proven that divergence from the rural land development policy will not cause any unreasonable burden on the City in providing services or utilities or cause detrimental impact on the natural environment. It has been found that there will be no burden placed on the traffic system because of the one, safe entrance to 70th Street South that will serve all 12 lots. Provision has been made for logical extension of the local street system through the subdivision. The subdivision is located approximately two (2) miles from both police and fire protection. Emergency vehicle access will be by way of major streets so that response times will be acceptable. No major extension of public sewer and water facilities will be necessary to serve this development. Soils have been found to be adequate for on-site waste treatment systems. The drainage pattern and the sewer plan for the City further indicate that it may be neither possible or probable to ever serve this area with sewer facilities.
2. A park dedication fee of \$275.00 per unit shall be required of the developer.
3. The road shall be constructed according to City specifications and shall be blacktopped. No more than 3 lots may be developed fronting on a temporary gravel road. The developer may post a bond or cash escrow to guarantee that the road shall be constructed or he may contract to have the road constructed to City specifications.
4. Boulevard trees shall be required.

Passed this 2nd day of January, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Amundson. Upon vote being taken thereon, the following voted in favor thereof: Councilman Hammero, Councilman Denzer, and Mayor Peterson. The following voted against the same: Councilman Amundson and Councilwoman Berndt. Whereupon said resolution was duly declared passed and adopted.

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Approval of Change Order regarding the 70th Street water main was tabled. The City Engineer advised the Council of the problems in this area involving the County.

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

RESOLUTION NO. 80-4

RESOLUTION AWARING BID - ONE (1) 1980 2½ TON TRUCK WITH
DUMP BODY AND TWO (2) 1980 ¾ TON PICK UPS

WHEREAS, it appears that Bill Boyer Ford Truck Company is the lowest responsible bidder, and

WHEREAS, it is the recommendation of the Director of Public Works that the contract be awarded to Bill Boyer Ford Truck 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 Bill Boyer Ford Truck Company in the amount of \$18,471.34 for the purchase of one (1) 1980 2½ Ton Truck with Dump Body, and the amount of \$11,582.56 for the purchase of two (2) 1980 ¾ Ton Pick ups.

Passed this 2nd day of January, 1980.

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, Councilwoman Berndt, Councilman Hamero, 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. 80-5

RESOLUTION AWARING BID - TWO (2) 1980 VANS

WHEREAS, it appears that Webber Ford Mercury, Inc. is the lowest responsible bidder, and

WHEREAS, it is the recommendation of the Director of Public Works that the contract be awarded to Webber Ford Mercury, 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 Webber Ford Mercury, Inc. in the amount of \$10,692.00 for the purchase of Two (2) 1980 Vans.

Passed this 2nd day of January, 1980.

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

Staff advised Council regarding the Grey Cloud Critical Area Plan and Regulations.

Council directed staff to place this matter on the February 6, 1980 regular meeting agenda.

Motion to appoint Ms. Joy Kortus to the position of Stenographer I - Building and Assessing Clerk effective January 2, 1980 at a salary of \$747.00 per month subject to the six month probationary period, made by Councilman Hammero. Seconded by Councilwoman Berndt. Motion carried viva voce.

Motion to approve the fee structure as proposed by the Youth Service Bureau, made by Councilman Denzer. Seconded by Councilwoman Berndt. Motion carried viva voce.

Motion to approve the name change of the Youth Service Bureau to South Communities Youth and Family Counseling Services, made by Councilman Denzer. Seconded by Councilman Hammero. Motion carried viva voce.

Staff advised the Council of the notice of the Washington County Hazardous Waste meeting to be held at the Cottage Grove Park Senior High School on January 7, 1980 at 7:00 P.M.

Staff advised Council of the levy limit workshop being sponsored by the Association of Metropolitan Municipalities on January 9, 1980.

Motion that the Development Bond reductions recommended by Carl Carlson, Director of Public Works, as follows: Pinetree Pond 4th and 5th Additions, retain \$500.00 cash escrow; Summer Hills Addition, retain \$600.00 cash escrow; Highlands 1st Addition, retain \$3,500.00 cash escrow; Highlands 2nd Addition, release present bond of \$15,000.00 and require cash escrow of \$15,000.00; Woodridge Park Addition, reduce bond to \$15,000.00; and Pinetree Pond East 1st Addition, reduce bond to \$76,100.00, be approved made by Councilman Denzer. Seconded by Councilman Hammero. Motion carried viva voce.

Council reviewed the letter received from the City of Columbia Heights regarding the proposed Joint Powers Agreement Police Recruitment System. Robert Oszman, Director of Public Safety, responded to questions concerning the proposed concepts.

Motion that staff be directed to send correspondence to the appropriate legislative parties indicating Council support of item 2 as outlined in the letter from Columbia Heights, made by Councilman Amundson. Seconded by Councilman Denzer. Motion carried viva voce.

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

RESOLUTION NO. 80-6

RESOLUTION APPOINTING A RESPONSIBLE AUTHORITY AND ASSIGNING DUTIES

WHEREAS, the Minnesota Government Data Practices Act, Minnesota Statutes, Sections 15.1611 to 15.1698 as amended, requires that this city appoint one person

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as the Responsible Authority to administer the requirements for collection, storage, use and dissemination of data on individuals, government data, and summary data, within this city, and,

WHEREAS, the City Council is concerned with the responsible use of city data and wishes to satisfy this concern by immediately appointing an administratively qualified Responsible Authority as required under the Act and assigning duties to that person,

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

1. The City Council of Cottage Grove, Minnesota appoints Carl F. Meissner as the Responsible Authority for the purposes of meeting all requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, Section 15.1611 through 15.1698, as amended.
2. The Responsible Authority may designate a city employee or employees to assist in the administration and enforcement of the duties of the Responsible Authority and to be in charge of individual files or systems containing government data and to receive and comply with requests for government data. If the Responsible Authority appoints a designee or designees, this appointment must be in writing, and the City Council shall be provided a copy of the appointment. If designees are appointed, the Responsible Authority shall instruct the designees in the requirements of administering and enforcing the Minnesota Government Data Practices Act.
3. The duties of the Responsible Authority and designees are as follows:
 - a. The Responsible Authority shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use by the public. Photographic, photostatic, microphotographic, or microfilmed records shall be considered as accessible for convenient use regardless of the size of these records.
 - b. The Responsible Authority shall establish procedures to insure that requests for government data are received and complied with in an appropriate and prompt manner.
 - c. The Responsible Authority or designee shall, upon request by any person, permit that person to inspect and copy government data during the normal business hours of the city and at places provided by the Responsible Authority, and if the person requests, that person shall be informed of the data's meaning. The Responsible Authority or designee shall provide copies of government data upon request. The Responsible Authority or designee shall require the requesting person to pay the actual cost of making, certifying and compiling the copies. If the Responsible Authority or designee is not able to provide copies at the time a request is made, the Responsible Authority or designee shall supply copies as soon as reasonably possible. If the Responsible Authority or designee determines that the requested government data is classified so as to deny the requesting person access, the Responsible Authority or designee shall so inform the requesting person orally at the time of the request, and in writing as soon thereafter as possible and shall cite the statute, temporary classification, or federal law upon which the determination is made.

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d. The Responsible Authority shall prepare a public document containing his name, title and address, and a description of each type of record, file, or process relating to private or confidential data on individuals retained by the city. Forms used to collect private and confidential data shall be included in this document. The Responsible Authority shall update the public document annually and make any changes necessary to maintain the accuracy of the document.

e. The Responsible Authority shall establish procedures to assure that all data on individuals is accurate, complete, and current for the purposes for which it was collected; and establish appropriate security safeguards for all records containing data on individuals.

f. The Responsible Authority or designee shall prepare summary data from private or confidential data on individuals upon the request of any person, provided that the request is in writing and the cost of preparing the summary is borne by the requesting person. The Responsible Authority may delegate the power to prepare summary data to the administrative officer responsible for any central repository of summary data; or to a person outside of the city if the person, in writing, sets forth his purpose and agrees not to disclose, and the Responsible Authority reasonably determines that the access will not compromise private or confidential data on individuals.

g. The Responsible Authority shall prepare a public document setting forth the rights of the data subject pursuant to the Minnesota Government Data Practices Act and the specific procedures in effect in the city for access by the data subjects to public or private data on individuals.

h. The Responsible Authority or designee shall allow another Responsible Authority or designee access to data classified as not public only when the access is authorized or required by statute or federal law. The Responsible Authority or designee when supplying government data under this provision may require the requesting Responsible Authority to pay the actual cost of supplying the data.

i. The Responsible Authority shall, when appropriate, apply to the Commissioner of Administration for permission to classify temporarily data or types of data on individuals as private or confidential, or data not on individuals as non-public, on a temporary basis until a proposed statute can be acted upon by the legislature.

j. Upon request to the Responsible Authority, or designee, any individual must be informed whether he is the subject of stored data on individuals and whether it is classified as public, private, or confidential. Upon further request, the individual who is the subject of stored private data on individuals shall be shown the data without any charge to him and, if he desires, shall be informed of the content and meaning of that data. The Responsible Authority or designee shall provide copies of the private data upon request by the individual subject of the data, and the cost of providing copies shall be borne by the individual. The Responsible Authority or designee shall comply immediately, if possible, with any request made by

an individual under this paragraph, or within five days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible. If the Responsible Authority or designee cannot comply with the request within that time, he shall so inform the individual, and may have an additional five days within which to comply with the request excluding Saturdays, Sundays and legal holidays.

k. If an individual contests the accuracy or completeness of public or private data concerning himself, and notifies in writing the Responsible Authority describing the nature of the disagreement, the Responsible Authority shall within thirty days either correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or notify the individual that the Responsible Authority believes the data to be correct. Data which is in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.

4. This resolution implementing the Minnesota Government Data Practices Act shall remain in force and effect until modified by the City Council.

Adopted by the Council of the City of Cottage Grove this 2nd day of January, 1980.

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

Motion to approve the Procedure for Administration of Minnesota Government Data Practices Act, made by Councilman Amundson. Seconded by Councilwoman Berndt. Motion carried viva voce.

Motion that Councilman Jack Denzer be appointed Acting Mayor for 1980, made by Councilman Hammero. Seconded by Councilwoman Berndt. Motion carried viva voce.

Motion that the Washington County Bulletin be designated as the official newspaper for the City for 1980, made by Councilman Amundson. Seconded by Councilman Hammero. Motion carried viva voce.

The Mayor made the following appointments of Council Persons to the various commissions: Planning & Zoning - Councilman Denzer; Alternate - Councilman Amundson
Public Works - Councilman Amundson; Alternate - Councilman Denzer
Public Safety - Councilman Amundson; Alternate - Councilman Hammero
Economic Development - Councilwoman Berndt; Alternate - Councilman Hammero
Human Services - Councilwoman Berndt; Alternate - Councilman Denzer
Parks & Recreation - Councilman Hammero; Alternate - Councilwoman Berndt

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

RESOLUTION NO. 80-7

RESOLUTION DESIGNATING DEPOSITORIES FOR CITY FUNDS FOR 1980

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WHEREAS, the City Council adopted Resolution No. 79-7 designating the MidAmerica National Bank of Cottage Grove as the depository for City funds for 1979 and Resolution's No. 77-7 and 79-8 designating Minnesota Federal Savings and Loan Association, Farmers and Mechanics Savings Bank, Merrill Lynch, First National Bank of Minneapolis, Northwestern National Bank of Minneapolis, Midwest Federal Savings and Loan Association as depositories for savings account monies, now,

THEREFORE, BE IT RESOLVED, by the Council of the City of Cottage Grove, County of Washington, State of Minnesota, that Resolution No.'s 79-77, 77-7 and 79-8 designating depositories for the City are hereby continued for 1980.

Passed this 2nd day of January, 1980.

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, Councilwoman Berndt, 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 authorize the Engineer to prepare a report on Jamaca Avenue North extending from 80th Street South to Military Road, made by Councilman Denzer. Seconded by Councilman Hammero. Motion carried viva voce.

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

RESOLUTION NO. 80-8

RESOLUTION AMENDING RESOLUTION NO. 79-180, A RESOLUTION
AWARDING BID FOR EMPLOYEE MEDICAL AND LIFE INSURANCE

WHEREAS, the City Council on the advice of its administration, awarded the bid for the furnishing of employee medical and life insurance coverage to Great West Life Assurance Company, and,

WHEREAS, an error was made in computing the premiums for this coverage, now,

THEREFORE, BE IT RESOLVED, by the Council of the City of Cottage Grove, County of Washington, State of Minnesota, that Resolution No. 79-180 be amended to change the rate of premium from \$28.15 to \$28.53 for employee coverage, and from \$49.50 to \$50.14 for dependent coverage for health and medical insurance.

Passed this 2nd day of January, 1980.

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

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Motion to waive the 85 composite score for the testing of Police Lieutenant and appoint Michael Halpren to the position of Lieutenant for a six (6) month probationary period effective January 3, 1980, made by Councilman Hammero. Seconded by Councilman Denzer. Motion carried viva voce.

Motion to approve the purchase of one Sony player/receiver, Model 2610 in the amount of \$1,860.00; one Sony receiver/television, Model KV1912 in the amount of \$550.00; and one audio visual stand to hold the equipment in the amount of \$118.00, made by Councilman Amundson. Seconded by Councilman Denzer. Motion carried viva voce.

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

Motion that Mr. James Keller be re-appointed to the Public Safety Commission for a three year term, made by Councilman Hammero. Seconded by Councilman Amundson. Motion carried viva voce.

Motion that a letter and certificate of appreciation be sent to Mr. Art Nelson for his service on the Public Works Commission, made by Councilman Denzer. Seconded by Councilman Amundson. Motion carried viva voce.

Council directed staff to find out the status of the other vacancies on all Commissions.

Council directed Councilman Denzer to contact potential candidates for the Planning Commission and report his recommendations to the Council at the next regular meeting on January 16, 1980.

Motion that the Council authorize the Mayor to attend the National League of Cities Congressional conference to be held in Washington, D.C. March 16 through March 18, 1980, made by Councilman Denzer. Seconded by Councilman Hammero. Motion carried, 3 ayes, 2 nays. Councilman Amundson and Councilwoman Berndt voting nay.

The City Attorney advised the Council of the present status of the Werner Lembke situation.

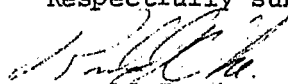
Motion to direct the City Attorney to take the necessary legal steps to proceed with the City vs. Lembke to trial, made by Councilman Amundson. Seconded by Councilman Hammero. Motion carried viva voce.

Council was advised that a Grey Cloud Annexation meeting is scheduled for 7:30 P.M. January 15, 1980 at the Cottage Grove City Hall.

Motion that the meeting be adjourned made by Councilwoman Berndt. Seconded by Councilman Amundson. Motion carried viva voce.

The meeting adjourned at 9:35 P.M.

Respectfully submitted,


Ronald J. Uhe
Deputy Clerk

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 11 1980
Joan Anderson Howe
Secretary of State

#32582
O.N.

[Handwritten signature]