

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 February, 1980 at 7:30 o'clock P.M.

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

And the following were absent: None

Mayor Peterson presided at the meeting.

Minutes of the January 16, 1980 regular meeting were reviewed. Councilman Amundson recommended that first paragraph on page 3 be changed to include "Parks, Recreation and Natural Resources" Commission which recommendation was noted and the minutes were approved as corrected and mailed.

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

RESOLUTION NO. 80-15

RESOLUTION APPROVING CONSENT ITEMS ON CITY COUNCIL  
AGENDA OF FEBRUARY 6, 1980

BE IT RESOLVED, that Resolution No. 80-16, a Resolution Requesting the St. Paul Dispatch to have the City News Included in the Weekly "East" Area Section of the Newspaper; license applications for Minnesota Mining and Manufacturing Company for a General Contractor's license, Forbes Construction Company, Inc. for a General Contractor's license, and Superior Music Company, Inc. for an Amusement License (Harry T. Sheldon's Lower Unit), be approved.

Passed this 6th day of February, 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.

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

RESOLUTION NO. 80-17

RESOLUTION ACCEPTING WORK AND AUTHORIZING FINAL PAYMENT  
FOR STORM SEWER EXTENSION IN HIGHLANDS 1ST ADDITION

WHEREAS, pursuant to a written contract signed with the City of Cottage Grove, Robert W. Moore, Inc. has satisfactorily completed the storm sewer extension in Highlands 1st Addition in accordance with such contract, and

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WHEREAS, the City Engineer has advised the Council that the construction has been satisfactorily completed in accordance with the contract plans and specifications and that final payment be made, now

THEREFORE, BE IT RESOLVED, by the Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the work completed under said contract is hereby accepted and approved, and

BE IT FURTHER RESOLVED, that the City Clerk and Mayor are hereby directed to issue a proper order for the final payment of such contract in the amount of \$3,743.20.

Passed this 6th day of February, 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, Councilman Hammero, Councilwoman Berndt, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Mr. Don Fahy appeared before the Council requesting a clarification as to the easement over and across that property in the East One Half of the Northeast One Quarter of Section 3.

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

RESOLUTION NO. 80-18

RESOLUTION AMENDING RESOLUTION NO. 80-02, RESOLUTION  
GRANTING MINOR SUBDIVISION TO AXEL BLOOMQUIST

WHEREAS, the City Council approved a Resolution granting a Minor Subdivision to Axel Bloomquist, and

WHEREAS, a condition of that approval was that a 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 and that this road access easement be private, and

WHEREAS, it was the intent of this Council that said easement be public, now

THEREFORE, BE IT RESOLVED, by the City Council, County of Washington, State of Minnesota, that Resolution No. 80-02 be amended to read a public road access easement rather than a private road access easement.

Passed this 6th day of February, 1980.

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, and Mayor Peterson. The following voted against the same: Councilman Denzer and Councilwoman Berndt. Whereupon said resolution was duly declared passed and adopted.

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The Council reviewed the application for a Conditional Use Permit made by Mr. M. L. Hamrick.

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

RESOLUTION NO. 80-19

RESOLUTION GRANTING TEMPORARY CONDITIONAL USE PERMIT TO  
MARV HAMRICK, INC., FOR A REAL ESTATE OFFICE AT 8117  
HARKNESS ROAD

WHEREAS, Marv Hamrick, Inc., has made application for a temporary Conditional Use Permit for the maintenance and operation of a multi-person real estate office at 8117 Harkness Road, and

WHEREAS, the applicant has a commercial real estate office located in a business district which was severely damaged by fire in mid December and which is presently being restored, and

WHEREAS, the applicant intends to move back to his commercial real estate operation as soon as the building is suitable for occupancy, and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove held a public hearing on said application on January 28, 1980, and recommended approval thereof, 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 Marv Hamrick, Inc., for a temporary Conditional Use Permit for the maintenance and operation of a multi-person real estate office in a single family residential district located at 8117 Harkness Road shall be, and the same hereby is, approved, subject to the herein-after stated conditions:

1. That the property front yards and side yards shall be repaired to their original condition if any damage results thereto from the parking of vehicles.
2. The hours of the operation of the real estate office shall be limited to 7:00 A.M. to 10:00 P.M.
3. This temporary Conditional Use Permit shall expire of its own terms on April 30, 1980.
4. No on-street parking by clients or employees will be allowed on Harkness Road or Ingberg Trail.

Passed this 6th day of February, 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, Councilman Hammero, Councilwoman Berndt, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

The Council reviewed the application of John Appert for a rezoning.

Motion that the application of Mr. John Appert, 11395 Grey Cloud Trail, to rezone his property at that address, from I-5, Commercial Excavation to R-1, Rural Residential be approved based on the following reasons:

1. The rezoning is consistent with the City's adopted Comprehensive Plan which designates this area for residential use.
2. The rural residential zoning district is compatible with zoning adjacent and to the east of the property, thereby making a logical extension of the existing zoning in the area.
3. The residential use is consistent with adjacent property uses in this area.

and that the Attorney is hereby directed to prepare the necessary change, made by Councilman Denzer. Seconded by Councilwoman Berndt. Motion carried viva voce.

The Council reviewed Minnesota Mining and Manufacturing Company's application for a Conditional Use Permit for a permanent landfill site located on their property.

Motion that the Council accept the Planning Commission's recommendation and approve the Conditional Use Permit application made by Minnesota Mining and Manufacturing Company for a permanent landfill site subject to the following conditions:

1. Do not allow any other material to be dumped on this site but said boiler ash.
2. This area is not to be used for housing or any other development at any future date.
3. No other firm or other 3M facility shall be allowed to dump on the site.
4. A specific legal description shall be recorded of said property and the site.
5. Leachate should be collected from the site at least two times annually by an independent laboratory and the cost of the analysis be paid by 3M Company. Should any hazardous conditions develop, the waste will be removed from the site.
6. A restoration plan should be furnished to the City within six (6) months of the issuance of the permit. Said restoration plan should indicate final contours, type of vegetation to be planted, and a timetable showing the phasing of restoration of the site. The Planning Department shall be responsible for reviewing and approving the restoration plan.
7. A bond or cash escrow shall be submitted guaranteeing the completion of the restoration plan. The amount shall be determined by the Planning Department.

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and that the Attorney is hereby directed to prepare the necessary resolution, made by Councilman Amundson. Seconded by Councilman Denzer. Motion carried viva voce.

Motion that the application of Standard Oil Company, Division of Amoco Oil Company, for a building permit for a Standard Oil Service Station at the intersection of Hadley Avenue South and Grange Boulevard be approved subject to the grading plan being coordinated with the Minnesota Highway Department and the City Engineer and that the applicant post a bond guaranteeing the completion of the landscaping plan, made by Councilman Hammero. Seconded by Councilman Amundson. Motion carried viva voce.

The Council reviewed the application of Robert Solberg, 7001 70th Street South, for a Minor Subdivision.

Motion that the application of Mr. Robert Solberg, 7001 70th Street South for a Minor Subdivision to create a three (3) acre parcel be approved based on the following findings:

1. The proposed lot meets all of the requirements of the subdivision regulations and the zoning ordinance.
2. The existing dwelling unit has existed at this location for many years and the subdivision will separate the dwelling unit from the commercial excavation operation by a legal description.
3. The applicant has provided the necessary Certificate of Survey.

made by Councilman Denzer. Seconded by Councilman Hammero. Motion carried viva voce.

Council reviewed the application of CUB Food Markets for a building permit.

Motion that the application of CUB Food Markets for a building permit be approved subject to the following conditions:

1. The applicant shall provide the City with a grading plan and utility plan specifying the location of sewer and water and storm water facilities.
2. The landscape plan including the berm and fence must be approved by the Planning Department, and a bond or cash escrow in an amount sufficient to cover the cost of the landscape elements shall be submitted guaranteeing the completion of the landscape plan. The fence should be six (6) feet tall, board-on-board redwood fence. The landscaping along 90th Street should be completed as soon as possible after construction begins.
3. Detailed plans of the building including mechanical plans shall be submitted and approved by the Building Inspection Department and the Fire Department.
4. The applicant must petition the City Council to have Pt. Douglas Drive extension constructed prior to issuance of the Building Permit.

made by Councilwoman Berndt. Seconded by Councilman Denzer. Motion carried viva voce.

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Motion that the Council authorize the Engineer to proceed with the preparation of plans and specifications for the construction of the Pt. Douglas Drive extension subject to a petition being received signed by the adjacent propertyowners, made by Councilman Amundson. Seconded by Councilman Denzer. Motion carried viva voce.

Motion that the application of Tennis Sanitation for a rate increase for residential rubbish and garbage hauling be approved, made by Councilman Denzer. Seconded by Councilwoman Berndt. Motion carried viva voce.

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

RESOLUTION NO. 80-20

RESOLUTION APPROVING ACQUISITION OF LANDS FOR CONSTRUCTION  
OF SANITARY SEWER, WATER MAIN, WATER AND SEWER SERVICES  
AND STORM SEWER FOR LANGDON STORM SEWER-PURPLE AREA  
IMPROVEMENT

WHEREAS, the City Council on the third day of July, 1979 adopted Resolution 79-89 ordering the improvement of the Langdon Purple Area Storm Water Drainage District, and

WHEREAS, the City Council of the City of Cottage Grove hereby finds and determines that it is in the best interests of the City of Cottage Grove and is for public use and purpose to acquire easements and rights-of-way for sanitary sewers, water mains, water and sewer services, and storm sewer for the improvements of those lands contained within the aforescribed storm water drainage district.

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 finds and determines that it is necessary and for a public use and purpose to acquire fee interests and easement interests in land in the City of Cottage Grove, County of Washington, State of Minnesota, for the construction of, operation of and maintenance of sanitary sewers, water mains, water and sewer services and storm sewer, by negotiated purchase or by condemnation in the exercise of the right of eminent domain as provided by law, and

BE IT FURTHER RESOLVED, that said lands shall be those described by the City Engineer in the plans and specifications prepared by him for the hereinbefore described improvement, the legal descriptions of which are hereinafter set forth, and

BE IT FURTHER RESOLVED, that the Mayor and Clerk be, and they hereby are authorized and directed to execute all documents necessary to effect acquisition of the aforescribed fee and easement land interests, and that the City Attorney shall be, and hereby is authorized and directed to conduct negotiations and/or institute condemnation proceedings and to do all things necessary to acquire the necessary interests in the aforescribed lands, and

BE IT FURTHER RESOLVED, that the legal descriptions of the lands to be acquired are as follows, to-wit:

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A perpetual easement 30 feet in width for utility purposes over, under and across the East half of the Northwest quarter, Section 15, Township 27, Range 21, Washington County, Minnesota, except the North 1360 feet of the West 244 feet thereof.

Said easement lying 10 feet left and 20 feet right of a line described as commencing at the Northwest corner of said East half; thence South  $89^{\circ} 41' 05''$  East, assumed bearing, 244 feet to the Northeast corner of said North 1360 feet of the West 244 feet; thence South  $0^{\circ} 11' 08''$  West along the East line of said North 1360 feet of the West 244 feet, 79.16 feet to the actual point of beginning of the line to be described; thence North  $15^{\circ} 27' 43''$  East 82.01 feet to a point on the North line of said East half of the Northwest quarter, distant 265.61 feet East from the Northwest corner of said East half of the Northwest quarter and there terminating. The sidelines of said easement are to be prolonged or shortened to terminate on the East line of the said North 1360 feet of the West 244 feet. (ELMER AND CAROL PETERSON-0.07 acres).

AND

A perpetual easement 30 feet in width for utility purposes over, under and across the North 1360 feet of the West 244 feet of the East half of the Northwest quarter, Section 15, Township 27, Range 21, Washington County, Minnesota.

Said easement lying 10 feet left and 20 feet right of a line described as commencing at the Northwest corner of said North 1360 feet of the West 244 feet; thence South  $0^{\circ} 11' 08''$  West, assumed bearing, along the West line of said North 1360 feet of West 244 feet, 907.05 feet to the actual point of beginning of the line to be described; thence North  $20^{\circ} 31' 21''$  East 136.04 feet; thence North  $3^{\circ} 55' 42''$  West 280.53 feet; thence North  $34^{\circ} 36' 51''$  East 300.33 feet; thence North  $15^{\circ} 27' 43''$  East 178.55 feet to a point on the East line of said North 1360 feet of the West 244 feet, 79.16 feet South from the Northeast corner of said North 1360 feet of the West 244 feet and there terminating. The sidelines of said easement are to be prolonged or shortened to terminate on the West and East lines of said North 1360 feet of the West 244 feet. (THOMAS C. AND CATHERINE A. GEISLER-0.62 acres).

AND

A perpetual easement 30 feet in width for utility purposes over, under and across the East half of the West half of the Northwest quarter of Section 15, Township 27, Range 21, Washington County, Minnesota, except the East 180 feet of the North 250 feet thereof.

Said easement lying 10 feet left and 20 feet right of a line described as commencing at the West quarter corner of said Section 15; thence South  $89^{\circ} 38' 55''$  East, assumed bearing, along the South line of said Northwest quarter 76.71 feet to the actual point of beginning of the line to be described; thence North  $40^{\circ} 23' 26''$  East 246.19 feet; thence North  $21^{\circ} 19' 08''$  East 200.25 feet; thence North  $34^{\circ} 55' 49''$  East 284.45 feet; thence North  $46^{\circ} 00' 59''$  East 400.15 feet; thence North  $40^{\circ} 40' 27''$  East 150.20 feet; thence North  $41^{\circ} 09' 25''$  East 299.65 feet; thence North  $13^{\circ} 59' 54''$  East 149.74 feet; thence North  $37^{\circ} 24' 03''$  East 99.95 feet; thence North  $21^{\circ} 24' 47''$  East 115.04 feet; thence North

49° 29' 04" East 140.82 feet; thence North 20° 31' 21" East 80.70 feet to a point on the East line of said East half of West half, 907.05 feet South from the Northeast corner of said East half of West half and there terminating. The sidelines of said easement are to be prolonged or shortened to terminate on the East line of said East half of West half of Northwest quarter and on the South line of said Northwest quarter.

Together with a perpetual easement for drainage purposes over, under and across that part of said East half of the West half of the Northwest quarter of Section 15, lying within the following described tract of land: Commencing at the West quarter corner of Section 15; thence South 89° 38' 55" East, assumed bearing, along the South line of said Northwest quarter 76.71 feet to the actual point of beginning of the land to be described; thence North 40° 23' 26" East 246.19 feet; thence North 21° 19' 08" East 200.25 feet; thence North 34° 55' 49" East 284.45 feet; thence North 46° 00' 59" East 400.15 feet; thence North 40° 40' 27" East 56.90 feet; thence South 31° 20' 59" East 122.30 feet; thence South 4° 28' 01" East 90.40 feet; thence South 11° 01' 43" West 108.15 feet; thence South 34° 33' 13" West 84.62 feet; thence South 36° 37' 57" West 176.36 feet; thence South 28° 48' 28" West 92.49 feet; thence South 11° 16' 03" West 71.78 feet; thence South 49° 54' 45" West 136.06 feet; thence South 62° 59' 57" West 55.47 feet; thence South 42° 50' 51" West 57.23 feet; thence South 66° 12' 03" West 71.61 feet; thence South 26° 54' 32" West 45.41 feet; thence South 6° 55' 39" East 42.81 feet to a point on the South line of said Northwest quarter distant 361.71 feet East of said West quarter corner; thence North 89° 38' 55" West along said South line 285.00 feet to the actual point of beginning. (MAXINE R. AND CHARLES RADEMACHER, 11-2.31 acres).

AND

A perpetual easement 30 feet in width for utility purposes over, under and across the South half of the West half of the West half of the Northwest quarter of Section 15, Township 27, Range 21, Washington County, Minnesota.

Said easement lying 10 feet left and 20 feet right of a line described as commencing at the Southwest corner of said Northwest quarter; thence South 89° 38' 55" East, assumed bearing, along the South line of said Northwest quarter, 76.71 feet to the actual point of beginning of the line to be described; thence North 40° 23' 26" East 246.19 feet; thence North 21° 19' 08" East 200.25 feet; thence North 34° 55' 49" East 284.45 feet; thence North 46° 00' 59" East 400.15 feet and there terminating. The sidelines of said easement are to be prolonged or shortened to terminate on South line of said Northwest quarter.

Together with a perpetual easement for drainage purposes over, under and across that part of said South half of the West half of the West half of the Northwest quarter of Section 15, lying within the following described tract of land; commencing at the Southwest corner of said Northwest quarter; thence South 89° 39' 28" East, assumed bearing, along the South line of said Northwest quarter 76.71 feet to the actual point of beginning of the land to be described; thence North 40° 23' 26" East 246.19 feet; thence North 21° 19' 08"



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East 200.25 feet; thence North 34° 55' 49" East 284.45 feet; thence North 46° 00' 59" East 400.15 feet; thence North 40° 40' 27" East 56.90 feet; thence South 31° 20' 59" East 122.30 feet; thence South 4° 28' 01" East 90.40 feet; thence South 11° 01' 43" West 108.15 feet; thence South 34° 33' 13" West 84.62 feet; thence South 30° 37' 57" West 176.36 feet; thence South 28° 48' 28" West 92.49 feet; thence South 11° 16' 03" West 71.78 feet; thence South 49° 54' 45" West 136.06 feet; thence South 62° 59' 57" West 55.47 feet; thence South 42° 50' 51" West 57.23 feet; thence South 66° 12' 03" West 71.61 feet; thence South 26° 54' 32" West 45.41 feet; thence South 6° 55' 39" East 42.81 feet to a point on the South line of said Northwest quarter distant 361.71 feet East of the Southwest corner of said Northwest quarter; thence North 89° 38' 55" West along said South line 285.00 feet to the actual point of beginning. (VERNON M. AND TIMOTHY M. EIDE-4.76 acres).

AND

A perpetual easement for drainage and utility purposes over, under and across the Northwest quarter of the Southwest quarter of Section 15, Township 27, Range 21, Washington County, Minnesota described as beginning at the Northwest corner of said Northwest quarter of Southwest quarter; thence South 0° 02' 44" East, assumed bearing, along the West line of said Northwest quarter of Southwest quarter 835 feet; thence North 89° 57' 16" East 40 feet; thence North 0° 02' 44" West 594.28 feet; thence North 39° 01' 23" East 84.02 feet; thence North 80° 13' 56" East 107.81 feet; thence North 70° 03' 30" East 86.10 feet; thence North 44° 13' 18" East 123.23 feet; thence North 6° 55' 39" West 37.49 feet to a point on the North line of said Northwest quarter distant 361.71 feet East of the Northwest corner of said Northwest quarter of Southwest quarter; thence North 89° 38' 55" West along said North line 361.71 feet to the point of beginning. (WARREN R. AND HELEN E. SMALLIDGE-1.84 acres).

Passed this 6th day of February, 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 Hamnero and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

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

ORDINANCE NO. 323

AN ORDINANCE RELATING TO DEVELOPMENT IN THE METROPOLITAN  
AND RURAL SERVICE AREA OF COTTAGE GROVE

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

SECTION 1. AMENDMENT. "The Code of the City of Cottage Grove, Minnesota" shall be amended by adding "Chapter 28, Article III, Section 28-20.1," to read as follows:

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1. METROPOLITAN-RURAL SERVICE AREA.

- (a) No residential subdivisions, commercial or industrial developments shall be approved on prime (Class 1) agricultural soils as defined by the Washington County Soil Conservation Service provided such soils are suitable for agricultural uses.
- (b) Residential subdivisions, commercial or industrial developments on property not suitable for agricultural purposes due to soils, topography, vegetation or other physical characteristics, may be considered for approval. Such developments shall only be approved if it can be demonstrated by the applicant that no disruption of normal farming activities will occur due to the project. The following conditions shall be considered to have the potential of disrupting agricultural activities:
  - (1) Non-farm uses within three hundred (300) feet of farm buildings excluding a farm residence.
  - (2) Development that interferes with the cultivation, irrigation, and harvesting of fields due to the location of lots, drive-ways or structures.
  - (3) Non-farm uses within three hundred (300) feet of property regularly used as pasture for livestock.
- (c) Where a residential subdivision is approved in the metropolitan-rural service area, an excessive number of curb cuts on a rural collector street or rural minor arterial street shall not be allowed. More than twelve (12) accesses within one (1) mile distance on a rural collector street shall be considered excessive. More than eight (8) access points within one (1) mile distance shall be considered excessive and dangerous on a rural minor arterial street.

2. METROPOLITAN-URBAN AREA.

Residential subdivisions and individual lots utilizing on-site waste water disposal systems may be considered for approval only if all of the following conditions can be met:

- (a) The development will not cause premature extension of municipal utilities and/or regional facilities.
- (b) The land is not suitable for the installation of public sewer and/or water services or these services are not programmed within ten (10) years.
- (c) The development will not disrupt agricultural activities as described in paragraph 1 (b).
- (d) The development will not cause an excessive number of curb cuts on a rural collector street or rural minor arterial street. More than twelve (12) accesses within one (1) mile distance on a rural collector street shall be considered excessive. More than eight (8) access points within one (1) mile distance shall be considered excessive and dangerous on a rural minor arterial street.

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3. For the purposes of this Section, the term "Metropolitan-Rural Service Area" is the area as defined by the Metropolitan Council and shown in the City of Cottage Grove Systems Statement, which is presently divided by, and east of, County Road 19, and the extension of said County Road in a southerly direction from County Road 19 to the Mississippi River; the term "Metropolitan-Urban Service Area" is the area as defined by the Metropolitan Council and shown in the City of Cottage Grove Systems Statement, which is presently divided by, and west of, County Road 19, and the extension of said County Road in a southerly direction from County Road 19 to the Mississippi River.
4. Streets within the City of Cottage Grove termed "Rural Collector Street" or "Rural Minor Arterial Street" shall be determined by reference to the City of Cottage Grove street classification system.

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 February, 1980.

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

Councilwoman Berndt introduced the following Ordinance and moved for its adoption:

ORDINANCE NO. 324

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE AMENDING  
SECTION 28-28(b) AND SECTION 28-28(d) OF THE CITY CODE

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

Section 1. Amendment. "Section 28-28(b) of the City Code of the City of Cottage Grove", shall be amended as follows:

- (b) Where public sewer usage is not expected within ten (10) years. In areas without public sanitary sewer, and where it is not expected or programmed within ten (10) years, non-farm residential lots shall not be allowed if the City Council determines that the development will cause:
  1. Premature extension of municipal or regional facilities, based on the municipal plan.
  2. Erosion or water pollution problems.
  3. Inefficient conversion of land to residential uses interfering with future development, particularly the extension of urban services.
  4. Dangerous traffic patterns.
  5. An extension of a previous minor subdivision.

6. The disruption of agricultural uses in prime agricultural lands.

In those cases where non-farm residential lots may be permitted, the lot size shall be determined by the following table, regardless of more lenient zoning regulations:

Soil Name (For soil description, see Wash. Co. Soil & Water Conservation Plan) Zoning Designation: Residential	Minimum lot size per family in area where public sewer is not expected within ten years
Kinghurst #18 Kroschel #19 Warman #22 Withrow #23 & 24 Waukesha #25 Langdon #28 Waukegan #30 Greenbush #31 & 37 Bayport #32 & 33	Burkhardt #34 Hubbard #38 LaCrosse #39 O'Neill #40 Sparta #41 Edith #42 & 43 Onamia #45 & 46 Zimmerman
Carrington #1 & 11 Lindstrom #2 Oneka #6 Hines #8	Hayden #7 Knife Lake #27
Zoning Designation: No septic tank- drain field system permitted	
Freer #3 Adolph #4 Bluffton #5 Milaca #9 & 20 Santiago #10 Etter #23 Rockton #13 Dubuque #14 Gale #15 Boone #16 Oneka-Milaca #17 Scandia #26 Brickton #26	Langdon #29 Copas #35, 36 & 56 Berrien #44 Isanti #48 & 49 Judson #50 Wabash #51 Muck #52 Peat #53 Aluvial Soils #54 Beach Sand #55 Riverwash #57 Rough, broken land #58

Section 2. Amendment. "Section 28-28(d) of the City Code of the City of Cottage Grove", shall be amended as follows:

- (d) Variations. Variations from these minimum lot requirements may be granted if it can be demonstrated by soil borings and percolation tests that the soil is suitable for on-site waste disposal systems and that water or other pollution will not occur for an indefinite period of time into the future. Under no circumstance will a variance be issued allowing lots of less than one and one-half (1½) acres in areas not served by public sanitary sewer. Such variations may include conditions without limitation to ensure that these variations are consistent with the intent and purpose of these regulations and with the comprehensive plan for the area.

Section 3. Effective Date: This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 6th day of February, 1980.

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

Motion that Joseph Schnide and Kenneth Wiemann be appointed to the Planning and Zoning Commission for terms to expire January 1, 1983, made by Councilman Denzer. Seconded by Councilman Hammero. Motion carried viva voce.

The Council reviewed the report from the City Planner regarding the construction of a bus shelter on the north side of Hadley Avenue South across from the Cottage Square Shopping Center.

Motion that the Council approve the construction of a bus shelter on the north side of Hadley Avenue South and that the City participate in the cost of the construction to a maximum amount of \$500.00 and that the Mayor and Clerk are hereby authorized to enter into and sign a financial agreement with the Metropolitan Transit Commission, made by Councilman Denzer. Seconded by Councilman Hammero. Motion carried viva voce.

Mayor Peterson introduced the following resolution and moved for its adoption:

RESOLUTION NO. 80-21

RESOLUTION SUPPORTING ANNEXATION OF  
A PORTION OF THE TOWNSHIP OF GREY CLOUD  
TO THE CITY OF COTTAGE GROVE

WHEREAS, a Petition has been received by the City of Cottage Grove for the annexation of certain lands located in the Township of Grey Cloud, said property being described in the Petition which is attached hereto as Exhibit "A", and

WHEREAS, the Petition came before the City Council for consideration and the matter was referred to the City Department Heads for study, reports, and recommendations; and

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WHEREAS, the City staff has prepared the reports and said reports have been reviewed by the City Council; and

WHEREAS, the reports indicate that an annexation of the "lower island" will not create a burden on the services presently provided by the City of Cottage Grove to its current residents; and

WHEREAS, this annexation will result in an increase in the tax revenue to the City of Cottage Grove; and

WHEREAS, the foregoing information was made available to the public and the members of the Town Board of Grey Cloud; and

WHEREAS, the City Council of Cottage Grove held a Special Council meeting on August 8, 1979, after due notice, to consider the Petition which is attached as Exhibit "A"; and

WHEREAS, the Town Board of Grey Cloud was in attendance at said Special Council meeting, and expressed their views in opposition to the proposed annexation; and

WHEREAS, various other meetings have been held between the Grey Cloud Town Board and the Cottage Grove City Council and any other interested individuals where information was presented and comments heard on the various aspects of the proposed annexation and the possible consequences that could result to the residents of the City of Cottage Grove and the residents of the Township of Grey Cloud; and

WHEREAS, a portion of the property in the Petition is subject to possible future development; and

WHEREAS, in the event the area is developed, the City of Cottage Grove has the capability of providing the necessary services to persons who would reside in the area; and

WHEREAS, the Township of Grey Cloud is a viable and distinct governmental unit governed by its Town Board, and should remain a governmental unit separate from the City of Cottage Grove and continue to be governed by its Town Board; and

WHEREAS, in order to continue the Township as a separate governmental unit, it would not be in the best interests of Cottage Grove nor Grey Cloud Township that the entire Township be annexed to the City of Cottage Grove; and

WHEREAS, based on the foregoing reasoning, only that portion of Grey Cloud known as the "lower island" is favored to be annexed to the City of Cottage Grove by the City Council;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the City Council supports and will accept the annexation of those certain lands from Grey Cloud Township known commonly as the "lower island" as described in the petition which is attached as Exhibit "A", to the City of Cottage Grove, and

BE IT FURTHER RESOLVED, that the City Council of Cottage Grove does not support and will not accept the annexation of any other lands from Grey Cloud Township outside that area commonly referred to as the "lower island", and

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BE IT FURTHER RESOLVED, that the City Council of Cottage Grove desires to have Grey Cloud Township remain a separate and distinct governmental unit under the direction of its Town Board.

Passed this 6th day of February, 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: Mayor Peterson, Councilman Denzer, Councilman Hammero, Councilwoman Berndt, and Councilman Amundson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that the Council accept and approve Grey Cloud Township's Critical Area Plan and Regulations as being compatible with the City's at the present time and that the Administrator is hereby authorized to advise the Metropolitan Council of this acceptance, made by Councilman Denzer. Seconded by Councilwoman Berndt. Motion carried viva voce,

The Council reviewed the proposed Fire Department's 1980 labor contract and compared it with other metropolitan fire departments and the City's Police Department. The Council directed the Administrator to prepare a contract agreement between the Fire Department and the City for 1980.

The Council also directed the Administrator to check with the East Cottage Grove Volunteer Fire Department to see if they would consider being taken over by the City.

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE  
RELATING TO THE APPOINTMENT OF COMMISSION  
MEMBERS BY THE CITY COUNCIL MEMBERS; AND  
THE TERMS OF OFFICE OF COMMISSION MEMBERS

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

The Council reviewed the report from the City Attorney regarding the signing of Harkness Avenue South and Pt. Douglas Drive South.

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

RESOLUTION NO. 80-22

RESOLUTION REQUESTING A TRAFFIC ENGINEERING STUDY AT THE  
INTERSECTION OF HARKNESS AVENUE SOUTH AND POINT DOUGLAS DRIVE

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WHEREAS, the City Council has received a recommendation from the Public Health, Safety and Welfare Commission to install certain regulatory signs at the intersection of Harkness Avenue South and Pt. Douglas Drive South, and

WHEREAS, the recommendation of the Public Health, Safety and Welfare Commission was to stop Pt. Douglas Drive South at Harkness Avenue South, and

WHEREAS, the Uniform Traffic Control manual allows the posting of a stop sign on a major street if an engineering study would justify the decision where "at a 3-way intersection where safety considerations may justify stopping the greater flow of traffic to permit left turning movement", now

THEREFORE, BE IT RESOLVED, that the City Council accept the recommendation of the Public Health, Safety and Welfare Commission and hereby petition the Minnesota Department of Transportation to conduct an engineering study at the intersection of Harkness Avenue South and Pt. Douglas Drive South to see if said intersection would warrant stopping Pt. Douglas Drive South at Harkness Avenue South.

Passed this 6th day of February, 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 City Council authorize and approve the entering into an agreement with the League of Minnesota Cities to provide Labor Relations Subscriber Service, made by Councilman Amundson. Seconded by Councilman Denzer. Motion carried viva voce.

Motion that the Council approve the purchase of a gas/oxygen detector from BioMarine Industries, Inc. at a cost of \$813.00, made by Councilman Denzer. Seconded by Councilman Hammero. Motion carried viva voce.

Motion that the Council authorize the purchase of material to construct hockey rink boards at Woodridge Park from McNerney Lumber Company in the amount of \$3,199.74, made by Councilman Hammero. Seconded by Councilwoman Berndt. Motion carried viva voce.

Motion that the Council approve the Constitution and By-Laws of the Cottage Grove Firemans Relief Association, made by Councilman Denzer. Seconded by Councilman Hammero. Motion carried viva voce.

Motion that the Council approve the amendments to the Joint Powers Agreement for the South Communities Youth Service Bureau and that the Mayor and Clerk are hereby authorized to sign said agreement, made by Councilman Denzer. Seconded by Councilman Hammero. Motion carried viva voce.

Motion that the City Council appoint Roger Peterson, Fred Gibson, and Felix Deneau to represent the City on the Youth Service Bureau Advisory Committee, made by Councilman Amundson. Seconded by Councilwoman Berndt. Motion carried viva voce.



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

RESOLUTION NO. 80-23

RESOLUTION DESIGNATING THE CITY OF COTTAGE GROVE AS THE  
RECIPIENT OF CHS STATE SUBSIDY DOLLARS FROM WASHINGTON  
COUNTY AND ESTABLISHING HOW THESE DOLLARS WILL BE SPENT

WHEREAS, the communities of Cottage Grove, St. Paul Park, Newport, and the Town of Grey Cloud have held a joint meeting concerning the expenditure of CHS State Subsidy dollars in the amount of \$12,079.00 to be received from Washington County, and

WHEREAS, it was the unanimous decision of the participating communities at this meeting to have Cottage Grove designated as the recipient of the CHS State Subsidy dollars, and

WHEREAS, the communities participating at this meeting voted unanimously to allocate \$8,000.00 of the funds received for ambulance replacement and \$4,079.00 for paramedic salaries, now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the Washington County Board of Commissioners be requested to forward \$12,079.00 in the CHS State Subsidy funds to the City of Cottage Grove. The City of Cottage Grove will use \$8,000.00 of these funds for ambulance replacement and \$4,079.00 for paramedic salaries.

Passed this 6th day of February, 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 Amundson, Councilwoman Berndt, Councilman Hammero, Councilman Denzer, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that the Council designate half of the Council Chambers as a smoking area, made by Councilman Denzer. Seconded by Councilwoman Berndt. Motion carried 3 ayes, 2 nays. Councilman Hammero and Councilman Amundson voting nay.

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

Motion that John Whitehead be invited to attend the next meeting of the Economic Development Commission as a prospective member, made by Councilwoman Berndt. Seconded by Councilman Denzer. Motion carried viva voce.

Motion that Steven W. Pederson be invited to attend the next meeting of the Parks and Recreation Commission as a prospective member, made by Councilman Hammero. Seconded by Councilwoman Berndt. Motion carried viva voce.

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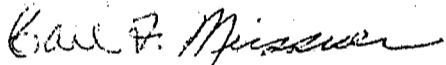
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Mr. John Tomaselli appeared before the Council regarding his concern of the Council's action on the annexation of a portion of Grey Cloud Township.

Motion that the meeting be adjourned, made by Councilman Amundson. Seconded by Councilman Denzer. Motion carried viva voce.

The meeting adjourned at 10:25 P.M.

Respectfully submitted,



Carl F. Meissner  
Clerk Administrator

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
FEB 20 1980

*John Anderson Howe*  
Secretary of State

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