

Pursuant to due call and notice thereof, a regular meeting was duly held at the City Hall, 7516 80th Street South, on the 19th day of March, 1980 at 7:30 o'clock P.M.

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

And the following were absent: None

Mayor Peterson presided at the meeting.

The minutes of the March 5, 1980 regular meeting were reviewed. There being no additions or corrections, the minutes were approved as mailed.

The Clerk presented an affidavit showing publication in the official newspaper of the Notice of Hearing to be held on this date and at this time with respect to the application of the Red Rock - Realty World Softball Team for a Temporary "On Sale" Non-intoxicating Malt Liquor License, which affidavit was examined, approved and ordered placed on file in the office of the City Clerk.

The Clerk then read aloud the Notice of Hearing.

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

Motion that the application of the Red Rock-Realty World Softball Team for a Temporary "On Sale" Non-intoxicating Malt Liquor License at the East Cottage Grove softball fields on July 12 and 13, 1980, be approved made by Councilman Denzer. Seconded by Councilman Hammero. Carried 4 ayes, 1 nay. Councilman Amundson voting nay.

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

RESOLUTION NO. 80-32

RESOLUTION PROCLAIMING THE WEEK OF MARCH 16, 1980 AS WOODBURY
HIGH SCHOOL ROYALS GIRLS BASKETBALL TEAM WEEK

WHEREAS, the Woodbury High School Girls Basketball Team has completed a successful season by winning 21 and losing none of its basketball games and also winning the Suburban Conference title, and

WHEREAS, this basketball team has achieved, through their ability, the chance to be a contender in the Minnesota State Girls Basketball Tournament by winning the Region 3AA title, now

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THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, Washington County, Minnesota, that it be and it hereby is proclaimed the week of March 16, 1980 as Woodbury High School Royals Girls Basketball Team Week, and

BE IT FURTHER RESOLVED, that on behalf of all of the people of Cottage Grove, we extend the best of luck and success in the Minnesota State Basketball Tournament to the Woodbury High School Basketball Team and,

BE IT FURTHER RESOLVED, that each one of the players and coach and staff of the basketball team be commended for their ability, success and achievement in attaining entrance to the State Basketball Tournament.

Passed this 19th day of March, 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: Councilwoman Berndt, Councilman Denzer, Councilman Hammero, Councilman Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Mr. Walter Albrecht appeared before the Council regarding the status of the Rolling Hills Addition off-site improvements.

Mr. Clinton, the City Attorney, advised the Council that they would be sending out letters to the homeowners in the Rolling Hills Addition asking what improvements were made on their property. This matter will be placed on the April 16, 1980 agenda for further action.

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

RESOLUTION NO. 80-33

RESOLUTION REQUESTING A SPEED ZONE SURVEY ON JAMACA AVENUE
SOUTH FROM TRUNK HIGHWAY 10 & 61 NORTHERLY TO 80TH STREET
SOUTH

WHEREAS, the City Council has requested the State of Minnesota to do a speed zone survey on Jamaca Avenue South which survey was conducted and implemented by this Council, and

WHEREAS, since this survey was taken, additional residential development has occurred along Jamaca Avenue South from Trunk Highway 10 & 61 northerly to 80th Street South, and

WHEREAS, the City staff has recommended to the Council that an additional speed zone survey be conducted by the State of Minnesota Department of Transportation,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that it hereby requests the Minnesota Department of Transportation to make a traffic survey and determine the safe speed on Jamaca Avenue South from Trunk Highway 10 & 61 northerly to 80th Street South, and,

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BE IT FURTHER RESOLVED, that upon determination of a safe speed on this street, the City of Cottage Grove be authorized by the Department of Transportation to post such speed limit signs as recommended.

Passed this 19th day of March, 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, Councilwoman Berndt, Councilman Denzer, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Motion that the following license applications be approved: H H & R Development Corporation, General Contractor; Joseph T. Lethert, Solicitor; and Hogar Construction, General Contractor, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Mr. James W. Zins appeared before the Council requesting a change in City Ordinance which would allow to make application for a SAC refund.

The Council requested staff to check on the balance of the monies on hand for SAC refunds and the number of properties where no application has been received and also the estimated cost that would be incurred by the City to re-open this matter. Council also requested that this be placed back on the agenda of April 2, 1980.

Motion that the request of Northern States Power Company to open cut 80th Street South and Ivystone Avenue South to place buried electrical cable be denied, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

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

ORDINANCE NO. 328

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE PROVIDING REGULATION FOR THE CONTROL OF CERTAIN DISEASES AFFECTING TREES, INCORPORATING AGENCY RULES AND REGULATIONS, AND PROVIDING A PENALTY FOR VIOLATIONS

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

SECTION 1. AMENDMENT. The Code of the City of Cottage Grove, County of Washington, State of Minnesota, shall be amended by amending Chapter 25, Section 25-11, to read as follows:

REGULATIONS ADOPTED BY REFERENCE. Sections 1.0109 through 1.0111 of 3 Minnesota Code of Agency Rules, Department of Agriculture, Shade Tree Program (1978 Edition) together with the amendments thereof to date, are hereby adopted by reference and made a part of this Ordinance as if set out in full, except as hereinafter provided. A copy of said Agency Rules incorporated is on file in the office of the City Administrator.

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SECTION 2. AMENDMENT. The Code of the City of Cottage Grove, County of Washington, State of Minnesota, shall be amended by amending Chapter 25, Section 25-12, to read as follows:

STOCKPILING OF BARK-BEARING ELMWOOD. The stockpiling of bark-bearing elmwood within the control limits of the City of Cottage Grove shall be permitted during the period from September 15 through April 1 of any given year. Any such wood not utilized by April 1 of any year must then be removed and disposed of as provided by this Ordinance and regulations incorporated thereby.

SECTION 3. AMENDMENT. The Code of the City of Cottage Grove, County of Washington, State of Minnesota, shall be amended by amending Chapter 25, Section 25-13, to read as follows:

CONFLICTING PROVISIONS. Where the provisions of this Ordinance conflict or are inconsistent with any other ordinance of the City, the provisions of this Ordinance shall supersede, except in instances where one regulation is more restrictive than another, in which case the more restrictive section shall apply and control.

CONTROL AREA. Any portions of the City served by City sewer and water.

SECTION 4. AMENDMENT. The Code of the City of Cottage Grove, County of Washington, State of Minnesota, shall be amended by amending Chapter 25, Section 25-14 to read as follows:

VIOLATION. Any person who shall violate any provisions of this Ordinance, shall, upon conviction thereof, be deemed guilty of a petty misdemeanor, and shall be subject to a fine not to exceed \$100.00.

SECTION 5. AMENDMENT. The Code of the City of Cottage Grove, County of Washington, State of Minnesota, shall be amended by amending Chapter 25, by deleting Section 25-15.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 19th day of March, 1980.

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

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

RESOLUTION NO. 80-34

RESOLUTION GRANTING CONDITIONAL USE PERMIT TO ST. LUKE'S
LUTHERAN CHURCH

WHEREAS, the Lutheran Church of America (St. Luke's Lutheran Church) has made application for a Conditional Use Permit to locate a Church at the Southwest

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corner of the intersection of Hinton Avenue South and 70th Street South, and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove, held a public hearing on said application on February 25, 1980 and recommended approval of said application 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 the Lutheran Church of America (St. Luke's Lutheran Church) for a Conditional Use Permit for a church to be located at the Southwest corner of the intersection of Hinton Avenue South and 70th Street South upon the lands hereinafter described:

The West 362.00 feet of the East 375.00 feet of the South 362.00 feet of the North 393.00 feet of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Eight (8), Township Twenty-Seven (27) North, Range Twenty-One (21) West, Washington County, Minnesota.

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

1. The applicant shall provide the City with a grading plan and with a utility plan which shall both be approved by the City Engineer.
2. The applicant's landscape plan shall be approved by the City Planning Department; the applicant shall post with the City a payment and performance bond for cash escrow in an amount sufficient to adequately cover the cost of the landscaping guaranteeing completion of the landscaping during the first growing season.
3. Only one curb cut shall be allowed to serve the site; said curb cut shall be a driveway from Hinton Avenue to be located not less than 300 feet from the centerline of 70th Street.
4. The building permit application shall be reviewed by the City Planning Commission and by the City Council.

Passed this 19th day of March, 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 Hamnero, Councilwoman Berndt, Councilman Denzer, Councilman Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

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

RESOLUTION NO. 80-35

RESOLUTION AUTHORIZING CITY ATTORNEY TO DEFEND CHIEF OF POLICE AND CITY ADMINISTRATOR (MANAGER) IN THE MATTER OF PATRICIA CREIGHTON VS. CITY OF COTTAGE GROVE, COTTAGE GROVE POLICE DEPARTMENT, ROBERT OSZMAN AND CARL MEISSNER

WHEREAS, Patricia Creighton has served the City of Cottage Grove, Robert Oszman, Chief of Police, and Carl Meissner, City Administrator, with a Summons and Complaint

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demanding the approximate sum of Two Hundred Seventy Five Thousand (\$275,000.00) Dollars as and for back wages, future wages, permanent injury, pension and punitive damages for alleged discrimination; and

WHEREAS, the City Council has the power and authority to provide legal counsel for its employees who are sued for acts performed on behalf of their employer, the City of Cottage Grove;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the City Attorney shall be, and he hereby is, authorized and directed to enter an appearance for, and on behalf of Robert Oszman, Chief of Police, and Carl F. Meissner, City Administrator of the City of Cottage Grove in the matter of Patricia Creighton vs. the City of Cottage Grove, Cottage Grove Police Department, Robert Oszman and Carl Meissner.

Passed this 19th day of March, 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.

The Council reviewed the Parks, Recreation and Natural Resources Commission minutes of March 3, 1980.

Motion that staff be authorized to proceed with the purchase of an identification sign for the ice arena, made by Councilman Hammero. Seconded by Councilwoman Berndt. Carried viva voce.

Motion that the policies in the Comprehensive Park Plan update be tabled until a recommendation is received from the Planning Commission, made by Councilman Denzer. Seconded by Councilman Amundson. Carried viva voce.

The Council reviewed the Public Works Commission minutes of March 4, 1980.

Motion that the City Attorney be directed to prepare an ordinance amendment which would require each single family dwelling unit, townhouse, or duplex to be serviced individually by water and sewer, made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

The Administrator advised the Council that the recommendation received from the Public Works Commission regarding commission member appointments would be put together with the recommendations received from the other commissions on this matter.

Motion that Change Order No. 2 between R. W. Moore, Inc. and the City to do additional items of construction in Highlands 1st Addition storm sewer project in the amount of \$1,600.00 be approved, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

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

RESOLUTION NO. 80 - 36

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR WELL NO. 9
PUMP AND CONTROLS AND BOOSTER STATION EXPANSION

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

1. Plans and specifications for the construction of Well No. 9 pump and controls, and the booster station expansion heretofore prepared by the engineers for the City and now on file in the office of the City Clerk are hereby approved as the plans and specifications in accordance with which said improvement shall be made except as said plans and specifications may be modified by further action of this Council in accordance with law.
2. Sealed bids will be received in the office of the City Clerk until 11:00 A.M. on Tuesday, April 15, 1980 at which time they will be publicly opened and read aloud. The City Council will meet at a later time for the purpose of awarding the contract for said construction of Well No. 9 pump and controls and booster station expansion.
3. The Clerk shall cause to be published in the Washington County Bulletin, the official newspaper of the City and the Construction Bulletin, at least twenty-one (21) days before the date for the opening of bids, a Notice of Bids for the construction of said improvements as required by law.

Passed this 19th day of March, 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 Denzer, Councilman Hammero, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

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

RESOLUTION NO. 80-37

RESOLUTION AMENDING RESOLUTION NO. 80-17, A RESOLUTION ACCEPTING
WORK AND AUTHORIZING FINAL PAYMENT FOR STORM SEWER EXTENSION IN
HIGHLANDS 1ST ADDITION

WHEREAS, on February 6, 1980, the City Council, after being advised by the City Engineer, that the construction of the storm sewer extension in Highlands 1st Addition was completed in accordance with the contract, passed Resolution No. 80-17 accepting the work and authorizing final payment for said construction, and

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WHEREAS, the City Engineer has subsequently advised the City Council that an error was made and a change order in the amount of \$1,600.00 not approved, and

WHEREAS, the City Engineer is now recommending a final payment in the amount of \$5,343.20 to Robert W. Moore, Inc. who was the contractor for this construction work, now,

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, Washington County, Minnesota, that Resolution No. 80-17 be and hereby is amended and that the final payment for the completion of storm sewer construction in the Highlands 1st Addition, in the amount of \$5,343.20 be approved.

Passed this 19th day of March, 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 Hammero, Councilwoman Berndt, Councilman Denzer, Councilman Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Councilwoman Berndt gave a report on the Human Services Commission and indicated that Clarence "Buz" Kainz will be conducting a Peoplemaking seminar at no cost to the City.

Motion that the Council approve the payment of \$950.00 to the Community Evangelical Covenant Church for a perpetual easement for sanitary sewer and water main, made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

The Council reviewed the vacancies on the various Commissions. No action taken.

Motion that the Council approve the Fire Agreement between the Thompson Grove Volunteer Fire Department and the City for fire services for 1980 and that the Mayor and Clerk are hereby authorized to sign said agreement, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Council set a special meeting for April 1, 1980 at 7:30 P.M. at the City Hall to meet with the Board of Directors for each of the two fire departments.

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

RESOLUTION NO. 80-38

RESOLUTION ORDERING PREPARATION OF REPORT ON POINT DOUGLAS
STREET IMPROVEMENT

WHEREAS, the City Council passed Resolution No. 79-142 calling for a report on street improvement and street lighting on 90th Street South and Islay Avenue South, and

WHEREAS, it is proposed to also improve Point Douglas Drive South between 90th Street South and Islay Avenue South, and

WHEREAS, this Council feels that it would be in the best interest of the City to combine the projects and make the improvement of Point Douglas Drive South

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from 90th Street South to Islay Avenue South and to assess the benefited property on all or a portion of the cost for the improvement pursuant to Minnesota Statutes Sections 429.011 to 429.111 (Laws 1953, Chapter 398, as amended).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, Washington County, State of Minnesota, that the proposed improvement be referred to the City Engineer, Bonestroo, Rosene, Anderlik & Associates, Inc., for study and that they are hereby instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is feasible and as to whether it should best be made as proposed or in connection with some other improvement and the estimated cost of the improvement as recommended.

Passed this 19th day of March, 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: Councilwoman Berndt, Councilman Hammero, Councilman Amundson, 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 approve the purchase of traffic marking paint from Diamond Vogel Company in the amount of \$3,054.00, made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

The Council reviewed the staff recommendation on the termination of Marilyn K. Hiles. No action taken.

Motion that staff be authorized to advertise for the position of Street Maintenance Person, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

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

The Administrator made the Council aware of the annual State League conference. No action taken.

Council reviewed the report received from the Public Works Commission regarding the feasibility of establishing an in-house engineering function.

Motion that the meeting be adjourned, made by Councilman Hammero. Seconded by Councilwoman Berndt. Carried viva voce.

The meeting adjourned at 10:40 P.M.

Respectfully submitted,

Carl F. Mejsner
Carl F. Mejsner
Clerk Administrator

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 24 1980

Joan Anderson Howe
Secretary of State

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