

Pursuant to due call and notice thereof, a regular meeting was duly held at the City Hall, 7516 80th Street South, on the 21st day of May, 1980 at 7:30 o'clock P.M. CDT.

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

And the following were absent: None

Mayor Peterson presided.

The minutes of the May 7, 1980 regular meeting were reviewed. There being no additions or corrections, they were approved as mailed.

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

RESOLUTION NO. 80-63

RESOLUTION APPROVING CONSENT ITEMS ON CITY COUNCIL AGENDA
OF MAY 21, 1980

BE IT RESOLVED, that Resolution No. 80-64, Resolution Granting Variance for Oversized Accessory Building; Resolution No. 80-65, Resolution Granting Temporary Conditional Use Permit to the Cottage Grove Jaycees for the Annual Jaycee Carnival; Resolution No. 80-66, Resolution Granting Conditional Use Permit to Solberg Aggregate Company for Rock Crushing; Resolution No. 80-67, Resolution Granting Conditional Use Permit to Secure Properties, Inc. for Commercial Excavation; Resolution No. 80-68, Resolution Issuing Conditional Use Permit to Solberg Construction; Resolution No. 80-69, Resolution Granting Minor Subdivision to Gerald Augst; and applications from Cottage Grove Area Chamber of Commerce for a Dance Permit for July 26, 1980 at the Cottage Square Shopping Center; Cottage Grove Area Chamber of Commerce for a Bingo License for July 26, 1980 at the Cottage Square Shopping Center; Ryan Development, Inc. for a general contractor's license; Merle's Construction Company for a general contractor's license; Diethelm Construction Company for a general contractor's license; and D & B Construction Company for a general contractor's license, be approved.

Passed this 21st day of May, 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 Amundson, Councilman Hamnero, Councilman Denzer, Councilwoman Berndt, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

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 Schmidt Insurance Softball Teams, Inc. for a Temporary "On Sale" Non-intoxicating Malt Liquor License at the East Cottage Grove ballfields for May 31, 1980 and June 1, 1980. Which Affidavit was examined, approved and ordered placed on file in the office of the City Clerk.

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The Clerk then read aloud the Notice of Hearing.

The Mayor 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 Schmidt Insurance Softball Teams, Inc. for a Temporary "On Sale" Non-intoxicating Malt Liquor License at the East Cottage Grove ballfields for May 31, 1980 and June 1, 1980, be approved, made by Councilman Denzer. Seconded by Councilwoman Berndt. Carried 4 ayes, 1 nay. Councilman Amundson voting nay.

Motion that the Ordinance Amending Section 2-57 Regarding the Power of the Human Services Commission and the Resolution Establishing Policy and Procedure for the Human Services Commission in the Processing of "No Fault Grievance Procedure" be tabled and referred to the Human Services Commission for their review and that these two items not be returned to the Council until the "No Fault Grievance Procedure" is finalized and approved by the Commission and ready for approval by the Council, made by Councilman Denzer. Seconded by Councilwoman Berndt. Carried viva voce.

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

ORDINANCE NO. 332

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, WASHINGTON COUNTY, MINNESOTA, PROVIDING FOR LIMITATION OF SPRINKLING OF LAWNS AND GARDENS; PROVIDING PENALTY FOR VIOLATIONS

The City Council of the City of Cottage Grove, County of Washington, State of 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 26 by adding Section 26-25, to read as follows:

Sprinkling and Watering Limitation.

1. The watering or sprinkling of lawns and/or gardens shall only be permitted on even-numbered days for property with even-numbered addresses, and on odd-numbered days for property with odd-numbered addresses.
2. The foregoing limitation shall apply only to property served by City water.
3. Violations of this Section shall constitute a petty misdemeanor.

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 21st day of May, 1980.

The motion for the adoption of the foregoing ordinance was duly seconded by Councilman Hammero. Upon vote being taken thereon, the following voted in favor

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

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

RESOLUTION NO. 80-70

RESOLUTION DESIGNATING LEGAL NON-CONFORMING USE BY LYLE M. BISCOE

WHEREAS, Lyle M. Biscoe has made application for designation as a non-conforming use pursuant to Section 28-45(h); and

WHEREAS, the subject property is located at 11095 South 77th Street, consisting of approximately three (3) acres, which has been used for farming and trucking since 1949, which date is prior to the enactment of any zoning ordinance in the City of Cottage Grove; and

WHEREAS, the property does not meet the definition of Rural-Agricultural, but said property is used in conjunction with property that is farmed; and

WHEREAS, the subject property has grain storage facilities which require the operation of Class 1 and 2 vehicles, and the use of auxiliary motors and engines; and

WHEREAS, compliance with the parking restrictions of Chapter 28 would impose a hardship upon the applicant and the operation of his farming business; and

WHEREAS, the zoning administrator has reviewed the application and conducted an investigation and recommended that the applicant's property be designated as a legal non-conforming use,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Cottage Grove, Washington County, Minnesota, that the three acre parcel located at 11095 - 77th Street in the City of Cottage Grove be, and the same hereby is, designated as a legal non-conforming use pursuant to Code Section 28-45(h), and is hereby exempt from the restrictions relative to parking and use of Class 1 and 2 vehicles and the restrictions against the use of auxiliary motors and engines as provided in Section 28-30(c) (6).

Passed this 21st day of May, 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.

Motion that the application of Secure Properties, Inc. for a Conditional Use Permit to allow commercial excavation in Section 8 be approved on a thirty (30) day temporary basis subject to the following conditions:

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1. The area north and west of the NSP pole shall be final graded and stabilized no later than September 1, 1980. By October 31, 1980, the area north and west of the NSP pole shall be seeded.
2. The westerly 400 feet of the northeast quarter of the northwest quarter of Section 8 shall be final graded no later than September 1, 1980, and shall be seeded no later than October 31, 1980.
3. Upon verification of the right-of-way necessary for the improvement of 70th Street, the operator shall final slope the northerly portion of the gravel pit. Black dirt shall be spread on this area and the area shall be seeded no later than October 31, 1980.
4. Due to the hazardous condition of the deep holes in the southwest portion of the gravel pit, the operator shall fill these areas and remove any slopes that exceed a 3 to 1 ratio. This filling and grading shall be completed within thirty (30) days.
5. That the Planning Commission and the Excavation Committee review the pit before any extended permit is granted.

and that the attorney is hereby directed to prepare the necessary resolution, made by Councilman Amundson. Seconded by Councilwoman Berndt. Carried viva voce.

Motion that the application of Ashbach Construction Company for a gravel pit operator's license be approved, made by Councilman Denzer. Seconded by Councilwoman Berndt. Carried viva voce.

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

RESOLUTION NO. 80-71

RESOLUTION AUTHORIZING THE INSTALLATION OF STOP SIGN AT
POINT DOUGLAS DRIVE AND HARKNESS AVENUE SOUTH

WHEREAS, the City Council requested the Minnesota Department of Transportation to conduct an engineering study for the proper placement of signs at the intersection of Point Douglas Drive and Harkness Avenue South, and

WHEREAS, a study was completed by the Minnesota Department of Transportation, which study was forwarded to the City by letter dated April 2, 1980 and the City has accepted this report.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that it hereby approves the recommendation of the Minnesota Department of Transportation to install a stop sign on Harkness Avenue South at Point Douglas Drive and it hereby authorizes and directs the Director of Public Works to have said stop sign installed.

Passed this 21st day of May, 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

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

The Council reviewed the report from staff regarding the Grove Plaza Shopping Center fence. No action taken.

The Mayor directed staff to contact adjoining propertyowners and inform them of the reasons why the Council took no action.

Motion that the Council accept the report of the City Attorney and authorize the disbursement of \$34,500.00 payable to Charles and Fern Woodward for a 27 foot wide permanent easement for roadway purposes along the frontage of his property and for a 50 to 60 foot temporary two (2) year slope easement directly adjacent to the roadway based on the following conditions:

1. That his lawn and driveway be restored to its present condition following construction of the project including the replacement of the lawn on the slope easement.
2. That he be allowed to remove his fence prior to construction and replace it following the construction of the widened road,

made by Councilman Amundson. Seconded by Councilman Hammero. Motion carried 4 ayes, 1 nay. Councilman Denzer voting nay.

Motion that Mr. Ronald Eriksen, 8769 Ironwood Avenue South, be hired as a temporary fulltime Maintenance Person in the Road & Bridge Department at a base salary as outlined in the union contract, made by Councilman Amundson. Seconded by Councilwoman Berndt. Carried viva voce.

The Council reviewed the request of the Fire Chief, Denis Erickson, for the hiring of one (1) fulltime fire fighter effective July 1, 1980.

Motion that the Council authorize the Grove Estates Volunteer Fire Department to hire one (1) fulltime fire fighter effective July 1, 1980 with a six (6) months probationary period at a salary of \$1,309.91 per month, made by Councilman Amundson. Seconded by Councilman Hammero. Motion failed, 2 ayes, 3 nays. Councilman Amundson, Councilwoman Berndt, and Councilman Denzer voting nay.

Motion that Ms. Beverly Grove be promoted to a regular fulltime employee effective May 27, 1980 at a salary as outlined in the Office Employees Agreement, made by Councilman Amundson. Seconded by Councilwoman Berndt. Carried viva voce.

Motion that Ehlers and Associates, Inc. be appointed as bond consultants and financial advisor for the City for the proposed bond issue for 1980, made by Councilman Amundson. Seconded by Councilwoman Berndt. Carried 4 ayes, 1 nay. Councilman Hammero voting nay.

Motion that the Council approve the request of the City of Newport to have the City of Cottage Grove handle their Housing Assistance and Rehabilitation Program, made by Councilman Amundson. Seconded by Councilwoman Berndt. Carried viva voce.

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Motion that the Council accept the resignation of Mr. Gregg Anderson from the Economic Development Commission and that a letter and certificate of appreciation be sent to Mr. Anderson, made by Councilman Hammero. Seconded by Councilwoman Berndt. Carried viva voce.

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

The Mayor directed the Chief of Police to investigate the blockage of sight distance at the intersection of Point Douglas Drive and Hefner Avenue South by the placement of signs at the Standard Oil Station.

Motion that the Council accept the report for improving Jamaca Avenue South, from 80th Street South northerly to Military Road at an estimated cost of \$1,015,400.00 for the southbound lane paving only and that a resolution be prepared, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

Motion that the attorney be and is hereby directed to proceed with the acquiring of right-of-way for the proposed Jamaca Avenue South improvement and that a resolution be prepared, made by Councilman Denzer. Seconded by Councilwoman Berndt. Carried viva voce.

Motion that the Council authorize staff to proceed with correcting the spelling of Jamaca Avenue South to Jamaica Avenue South, made by Councilwoman Berndt. Seconded by Councilman Hammero. Carried viva voce.

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

The meeting adjourned at 9:22 P.M. CDT.

Respectfully submitted,

Carl F. Meissner
Carl F. Meissner
Clerk Administrator

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 30 1980

Jean Anderson Howe
Secretary of State

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