

Pursuant to due call and notice thereof, a regular meeting was duly held at the City Hall, 7516 80th Street South, on the 15th day of October, 1980 at 7:30 o'clock P.M.

The following members were present:

Mayor Peterson
Councilman Denzer
Councilwoman Berndt
Councilman Amundson
Councilman Hammero

And the following were absent:

None

Mayor Peterson presided over the meeting.

The minutes of the September 29, 1980, September 30, 1980, and October 1, 1980 special meetings and the October 1, 1980 regular meeting were reviewed. There being no additions or corrections, they were approved as mailed.

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

RESOLUTION NO. 80-167

RESOLUTION GRANTING APPROVAL FOR
PRELIMINARY PLAT TO VERNON EIDE

WHEREAS, Vernon Eide has made application to the Planning and Zoning Commission of the City of Cottage Grove for a preliminary plat on the following described property:

The West $\frac{1}{2}$ of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 15, Township 27, Range 21, EXCEPT: The Northerly 450 feet of the West 290 feet of the East 370 feet of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 15, Township 27, Range 21, subject to existing roadway over the Northerly line, and EXCEPT: A parcel of land described as follows: Beginning at the NW corner of the NW $\frac{1}{4}$ of Section 15, Township 27, Range 21, thence Easterly along the North line of the NW $\frac{1}{4}$ a distance of 288 feet, thence South and parallel with the West line of the NW $\frac{1}{4}$ a distance of 230 feet, thence West and parallel with the North line of the NW $\frac{1}{4}$ a distance of 288 feet to the West line of the NW $\frac{1}{4}$ to the point of beginning. Containing approximately 35 acres, more or less. Washington County, according to the recorded tract thereof, and on file in the Register of Deeds Office, Washington County, Minnesota; and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove held a public hearing on said application on July 28, 1980, which hearing was continued on September 22, 1980; and

WHEREAS, the Planning and Zoning Commission recommended approval of said preliminary plat, subject to certain conditions; and

WHEREAS, the applicant has applied for a planned development area as allowed by Section 28-89 of the City Code; and

WHEREAS, the purpose of the chapter is to allow flexibility and creativity in subdivision design and to provide a variety of housing choices for persons of all

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income levels throughout the community; and

WHEREAS, a "zero lot line" concept will be used in the proposed plat; and

WHEREAS, the City may issue variances to the subdivision regulations if not contrary to the purposes of the chapter; and

WHEREAS, the required dimensions of a lot are 125 feet by 75 feet, with a minimum of 10,000 square feet total area; and

WHEREAS, certain lots in the proposed plat are 115 feet by 90 feet, all of which meet the 10,000 square foot minimum area requirement; and

WHEREAS, granting a variance from the dimension requirement where the minimum area requirement is met is not contrary to the provisions of the chapter,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, Washington County, Minnesota, that the application for approval of a preliminary plat on the above-described property by Vernon Eide is granted, subject to the following conditions:

1. That all corner lots shall have a lot width 20 feet wider than interior lots; the following lots shall be modified to meet this requirement: Lot 1, Block 1; Lot 1, Block 2; Lot 5, Block 2; Lot 1, Block 3; Lot 1, Block 4; Lot 26, Block 4; Lot 13, Block 4; Lot 1, Block 5.
2. A 20-foot wide easement for public access to Outlot "A" shall be provided between Lots 13 and 14 of Block 3.
3. Block 6 shall not be platted until public access is available.
4. The developer shall be required to dedicate cash in lieu of land in accordance with the park dedication ordinance.
5. The Planning Commission shall review the final plat before final approval.
6. The Planning Commission shall review the proposed covenants regarding maintenance, upkeep and color of the units.
7. That a variance from the dimension requirement is granted for the following lots:

Block 3, Lots 1 through 12;

Block 4, Lots 1 through 12 and Lots 15 through 26,

provided that the lots are 115 feet deep and a minimum width of 75 feet, with an area of at least 10,000 square feet.

Passed this 15th day of October, 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 Hammero, Councilman Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon

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said resolution was duly declared passed and adopted.

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

RESOLUTION NO. 80-168

GRANTING CONDITIONAL USE PERMIT TO MARLIN H. RABE FOR AN
OPEN SALES LOT

WHEREAS, Marlin H. Rabe has made application for a conditional use permit for an open sales lot to conduct a lawn and garden center sales on the following described property:

Lot 2, Block A, Cottage Grove Addition,
Cottage Grove, commonly known as 7404 Lamar
Avenue South,

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove held a public hearing on September 22, 1980, pursuant to published notice on said application, and recommended approval of the permit, subject to certain conditions, and,

WHEREAS, the proposed use in the business district will not cause a traffic hazard or congestion, and

WHEREAS, adjacent land will not be adversely affected because of traffic generation, noise, glare, or other nuisance characteristics,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, Washington County, Minnesota, that the application of Marlin H. Rabe, for a conditional use permit for an open sales lot be, and the same hereby is granted, subject to the following conditions:

1. The open sales lot shall not be allowed to encroach upon the required off-street parking.
2. The loose rock products such as gravel shall be stored in enclosed bins so as not to be scattered about the site.
3. No diseased wood shall be allowed to be stock-piled.

Passed this 15th day of October, 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: Conway-Spande Construction, Inc., General Contractor; Dean K. Hanson Construction, General Contractor; and American Burner Service, Inc., Heating Contractor; made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

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The Clerk presented an Affidavit showing publication in the official newspaper of the Notice of Hearing to be held on this date and at this time with respect to the proposed use of Revenue Sharing Funds, 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.

There being no comments or objections, the Mayor closed the hearing.

The City Administrator advised the Council as to how the Revenue Sharing Funds were to be expended in 1981, that being \$21,200 to pay the loan to construct the addition to the Public Works Garage; \$139,692.00 to balance the General Fund budget for 1981; which leaves a balance of unallocated funds of \$29,829.00.

Motion that the Council accept the recommendation of the City Administrator to appropriate the Federal Revenue Sharing Funds for 1981 as follows: \$21,200.00 to pay the loan for the construction of the Public Works Garage addition; \$139,692.00 to supplement the 1981 proposed General Fund budget; which would leave an unallocated amount of \$29,829.00, made by Councilwoman Berndt. Seconded by Councilman Hammero. Carried viva voce.

The Campfire Organization appeared before the Council and presented \$100.00 towards the purchase of trees and flowers for the City parks.

The Jaycee Women also presented a yellow ribbon which signifies the concern over the hostages in Iran.

The Council held a meeting with the various Commission members and concerned citizens regarding the election to increase the levy limitation.

The Mayor and Council explained why this referendum was being held.

Various questions were asked.

The Administrator advised the Council that a Mr. Klapak was to appear before the Council regarding the fines for barking dogs and for junk cars in yard; that being that it should be reduced to a petty misdemeanor from a misdemeanor.

Mr. Paul Brandt appeared before the Council advising them as to the proposed criteria for locating landfill sites in the County.

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

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RESOLUTION NO. 80-169

RESOLUTION RELATING TO \$2,350,000 INDUSTRIAL DEVELOPMENT REVENUE
BOND (SUPER VALU STORES, INC. PROJECT), SERIES 1980; AND AUTHORIZING
THE ISSUANCE THEREOF PURSUANT TO MINNESOTA STATUTES, CHAPTER 474

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

Section 1. Definitions.

1.01. In this Resolution the following terms have the following respective
meanings unless the context hereof or use herein clearly requires otherwise:

Act: The Minnesota Municipal Industrial Development Act, Minnesota Statutes
Chapter 474, as amended;

Bond Register: The register maintained by the City Clerk-Treasurer pursuant
to Section 5.04 hereof;

Bond: The Industrial Development Revenue Bond (Super Valu Stores, Inc. Project)
Series 1980, to be issued by the City pursuant to this Resolution;

Building: The supermarket facility and related facilities and improvements
to be constructed on the Land by the Company;

City: The City of Cottage Grove, Minnesota, its successors and assigns;

Company: Super Valu Stores Inc., a Delaware corporation, its successors and
assigns, which may assume its obligations in accordance with the Loan Agreement;

Escrow Agent: The Northwestern National Bank of Minneapolis, or any successor
escrow agent so designated pursuant to the Pledge Agreement;

Holder: The Lender or any person to whom the Bond has been assigned pursuant
to Section 5.04 of this Resolution;

Land: The real estate described in Exhibit A to the Loan Agreement;

Lender: Safeco Insurance Company of America, its successors and assigns;

Loan Agreement: The Loan Agreement to be executed by and between the City and
the Company;

Organizational Documents: The following documents, each of which shall be in
form and substance acceptable to the Lender:

- (i) A copy of the Articles of Incorporation of the Company, certified
by the Secretary of State of Delaware;
- (ii) an opinion or opinions of counsel reasonably acceptable to the Lender
indicating that each of the documents referred to in Section 3.03 of

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this Resolution has been duly executed and delivered and is the legal and binding obligation of the Company and the City, enforceable in accordance with its terms, except to the extent limited by state and federal laws, rulings and decisions and principles of equity affecting remedies and by bankruptcy, reorganization and other laws of general application relating to or affecting the enforcement of creditors' rights generally;

Pledge Agreement: The Pledge and Loan Disbursement Agreement, among the City, the Company, the Lender and the Escrow Agent, including any amendment thereof.

Project: The Land, the Building, and the Project Equipment, as they may at any time exist;

Project Costs: Those costs defined as Project Costs in Section 1.01 of the Loan Agreement;

Project Equipment: All items of furniture, machinery, and equipment, or other personal property, to be acquired by the Company for installation in the building or elsewhere on the Land and paid for in whole or in part from proceeds of the Bond; and

Resolution: This resolution of the City, adopted October 15, 1980, authorizing the issuance of the Bond.

Section 2. Findings. It is hereby found and declared that:

(a) the real and personal property described in the Loan Agreement constitute a Project authorized by the Act;

(b) the purpose of the Project is, and the effect thereof will be to promote the public welfare by the attraction, encouragement and development of economically sound commerce so as to prevent the emergence of blighted and marginal lands and areas of chronic unemployment; preserving the existing investment of the community in facilities for public service and preserving a tax base adequate to finance such service;

(c) the Project when completed will add to the tax base of the City and will accordingly be of direct benefit to the taxpayers of the City as well as those of the County and School District in which the City is located, will increase employment and the level of economic activity in the area, and enhance the reputation of the City as a desirable location for people and business;

(d) the Project has been approved by the Commissioner of Securities of the State of Minnesota as tending to further the purposes and policies of the Act;

(e) the financing of the Project, the issuance and sale of the bond, the execution and delivery of the Loan Agreement and the Pledge Agreement, and the performance of all covenants and agreements of the City contained in the Bond, the Loan Agreement and the Pledge Agreement and of all other acts and things required under the Constitution and laws of the State of Minnesota to make the Loan Agreement, the Pledge Agreement and the Bond valid and binding obligations of the City in accordance with their terms, are authorized by the Act;

(f) it is desirable that the Bond in the aggregate principal amount of \$2,350,000 be issued by the City upon the terms set forth herein, and that the City assign its interest in the Loan Agreement and grant a security interest therein to the Lender as security for the payment of the principal of and interest and premium, if any, on the Bond;

(g) the loan payments contained in the Loan Agreement are fixed, and are required to be revised from time to time as necessary, so as to produce income and revenue sufficient to provide for prompt payment of principal of and interest on the Bond issued under this Resolution when due, and the Loan Agreement also provides that the Company is required to pay all expenses of the operation and maintenance of the Project including, but without limitation, adequate insurance thereon and all taxes and special assessments levied upon or with respect to the Land and payable during the term of the Loan Agreement; and

(h) under the provisions of Minnesota Statutes, Section 474.10, and as is provided in the Loan Agreement, the principal of and interest on the Bond are not to be payable from nor charged upon any funds of the City other than the revenue pledged to the payment thereof; the City is not subject to any liability thereon; no Holder of the Bond shall ever have the right to compel any exercise of the taxing power of the City to pay the Bond or the interest thereon, nor to enforce payment thereof against any property of the City; the Bond shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City; the Bond shall recite that the Bond, including interest thereon, is payable solely from the revenue pledged to the payment thereof; and the Bond shall not constitute a debt of the City within the meaning of any constitutional, charter or statutory limitation.

Section 3. Authorization and Sale.

3.01. Authorization. The City is authorized by the Act to issue Revenue Bonds and loan the proceeds thereof to business enterprises to finance the acquisition and construction of "projects" as defined in the Act, and to make all contracts, execute all instruments and do all things necessary or convenient in the exercise of such authority.

3.02. Preliminary City Approval. By preliminary resolution duly adopted by the City Council on September 17, 1980, this Council approved the sale of revenue bonds pursuant to the Act and the loan of the proceeds to the Company for the construction of the Project and authorized the preparation of such documents as may be appropriate to the Project.

3.03. Approval of Documents. Pursuant to the above authorization, there have been prepared and presented to this Council copies of the following documents, all of which are now, or shall be, placed on file in the office of the City Clerk-Treasurer:

- (a) Loan Agreement; and
- (b) Pledge Agreement.

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The forms of the documents listed in (a) and (b) are approved, with such variations, insertions and additions as are deemed appropriate by the parties and approved by the City Attorney.

Section 4. Authorization. Upon the completion of the Loan Agreement, and the Pledge Agreement approved in Section 3.03 hereof, and the execution thereof by the Company and the Lender, as the case may be, the Mayor and City Clerk-Treasurer shall execute the Bond in substantially the form set forth in Exhibit A hereto on behalf of the City, and shall execute such other certificates, documents or instruments as bond counsel or counsel for the Lender shall require, subject to the approval of the City Attorney, and all certifications, recitals and representations therein shall constitute the certificates, recitals and representations of the City. Execution of any instrument or document by one or more officers of the City shall constitute, and shall be deemed conclusive evidence of, the approval and authorization by the City and the City Council of the instrument or document so executed.

Section 5. The Bond.

5.01. Form and Authorized Amount. The Bond shall be issued substantially in the form hereinafter set forth in Exhibit A hereto, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution in the total principal amount of \$2,350,000. The Bond shall be dated as of the date of delivery thereof to the Lender, and shall mature on October 1, 2005.

The Bond shall be one in number and shall bear interest from the date thereof until paid or duly called for redemption at the rate of 8.75% per annum. Interest shall be payable on each April 1 and October 1, commencing April 1, 1981. Interest shall be payable to the Holder thereof at its address on the Bond Register, or such other address as the Holder may designate in writing. The Bond shall be subject to prepayment and redemption, in whole or in part, at the option of the City at the direction of the Company, on October 1, 1990, and any interest payment date thereafter, at a price equal to the principal amount being so prepaid with accrued interest to the date of redemption plus a premium expressed as a percentage of the principal amount being so prepaid for the various prepayment dates, as follows:

<u>Prepayment Date</u>	<u>Premium</u>
October 1, 1990 and April 1, 1991	3.0%
October 1, 1991 and April 1, 1992	2.5%
October 1, 1992 and April 1, 1993	2.0%
October 1, 1993 and April 1, 1994	1.5%
October 1, 1994 and April 1, 1995	1.0%
October 1, 1995 and April 1, 1996	0.5%
October 1, 1996 and thereafter	None

Upon a Determination of Taxability, the Bond shall be subject to redemption and shall be redeemed, in whole but not in part, on the first interest payment date following the Determination of Taxability, at a price equal to the principal amount thereof then outstanding with accrued interest to the date of redemption plus, if the Determination of Taxability results from a default by the Company in its obligation under Section 4.08 of the Loan Agreement, a premium equal to one-half of the interest paid on the Bond for the period between the Date of Taxability and the redemption

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date. The principal amount of the Bond shall also be subject to prepayment on the Completion Date, at a price equal to the principal amount being so prepaid with accrued interest, in an amount equal to the amount remaining in the Escrow Fund after payment of all Project Costs, as provided in Section 2(d) of the Pledge Agreement. Notice of redemption and prepayment shall be mailed, at least thirty days prior to the date set for redemption and prepayment, to the Holder of the Bond at its address as set forth on the Bond Register.

5.02. Execution. The Bond shall be executed on behalf of the City by the signatures of the Mayor and the City Clerk-Treasurer, and shall be sealed with its corporate seal. In case any officer whose signature shall appear on the Bond shall cease to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes.

5.03. Mutilated, Lost or Destroyed Bond. In case the Bond shall become mutilated, or be destroyed or lost, the City shall cause to be executed and delivered a new Bond of like outstanding principal amount and tenor in exchange and substitution for and upon cancellation of the mutilated Bond, or in lieu of and in substitution for such Bond destroyed, or lost, upon the Holder's paying the reasonable expenses and charges of the City in connection therewith, and, in case the Bond is destroyed or lost, its filing with the City evidence satisfactory to the City of such loss or destruction.

5.04. Registration of Transfer. The City will cause to be kept, at the office of the Clerk-Treasurer, a Bond Register in which, subject to such reasonable regulations as it may prescribe, the City shall provide for the registration or transfers of ownership of, the Bond. The Bond shall be transferable upon the Bond Register by the Holder thereof in person or by its attorney duly authorized in writing, upon surrender of the Bond, together with a written instrument of transfer in the form attached to the Bond or otherwise satisfactory to the Clerk-Treasurer and the City Attorney, duly executed by the Holder or its duly authorized attorney. Upon such transfer, the Clerk-Treasurer shall note the date of registration and the name and address of the new Holder in the Bond Register and in the registration blank appearing on the Bond. The City may deem and treat the person in whose name the Bond is last registered in the Bond Register and by notation on the Bond as the absolute owner thereof, whether or not the principal balance or any part thereof is overdue, for the purpose of receiving payment of or on account of the principal balance, redemption price or interest and for all other purposes.

5.05. Delivery and Use of Proceeds. Prior to delivery of the Bond, the documents referred to in Section 3.03 hereof shall be completed and executed in the form and substance as approved by the City Attorney and an original, executed counterpart of each such document shall be delivered to the Lender, together with the Organizational Documents. The City shall thereupon deliver to the Lender the Bond in the principal amount of \$2,350,000, together with a copy, duly certified by the City Clerk-Treasurer, of this Resolution and such closing certificates as are required by bond counsel.

Upon delivery of the Bond and the above items to the Lender, the Lender shall on behalf of the City, disburse the proceeds of the Bond to the Escrow Agent to be disbursed to the Company in reimbursement of Project Costs, pursuant to the provisions of the Loan Agreement and Pledge Agreement. The Company shall provide the City with a full accounting of all funds disbursed for Project Costs.

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Section 6. Limitation of City's Obligations. Notwithstanding anything contained in the Bond, the Loan Agreement, the Pledge Agreement or any other documents referred to in Section 3.03 hereof, the Bond shall not constitute a debt of the City within the meaning of any constitutional, charter or statutory limitation and shall not be payable from nor charged upon any funds other than the revenue pledged to the payment thereof and the City shall not be subject to any liability thereon, and no Holder of the Bond shall ever have the right to compel any exercise of the taxing power of the City to pay the Bond or the interest thereon, or to enforce payment thereof against any property of the City, and the Bond shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City. The agreement of the City to perform the covenants and other provisions contained in this Resolution or in the Bond, the Loan Agreement or the Pledge Agreement and the other documents listed in Section 3.03 hereof shall be subject at all times to the availability of revenues furnished by the Company sufficient to pay all costs of such performance by the enforcement thereof, and the City shall not be subject to any personal or pecuniary liability thereon.

Passed this 15th day of October, 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.

Mr. Bradley Berg, 7559 Ivystone Avenue South, appeared before the Council regarding the dust that has been created by the Orrin Thompson Construction Company and stated that it was ruining his property.

Mr. Berg presented a petition to have the Council require the Orrin Thompson Construction Company to oil the streets that their construction equipment is using.

Mr. Lawrence Christensen, 7523 Ivystone Avenue South, also appeared before the Council regarding this matter.

Staff was directed to come up with a solution and advise the propertyowners in the area.

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

ORDINANCE NO. 343

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA,
AMENDING THE CITY CODE, CHAPTER 28, RELATING TO ZONING

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" is hereby amended by amending Chapter 28, Article 1, Section 28-6 to read as follows:

The official zoning map shall be amended to change the classification of the

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hereinafter described property from its present classification of "R-4" Medium Density Residential, to a classification of "R-5" Multiple Family.

Lots 1-17, Block 8; Lots 1-10, Block 9;
Lots 7-22, Block 10, of Pinetree Pond East
Third Addition.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication and according to law.

Passed this 15th day of October, 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 Hammero, Councilwoman Berndt, Councilman Amundson, Councilman Denzer, and Mayor Peterson. The following voted against the same: None. Whereupon said Ordinance was duly declared passed.

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

RESOLUTION NO. 80-170

RESOLUTION APPROVING PRELIMINARY PLAT TO ORRIN THOMPSON HOMES

WHEREAS, Orrin Thompson Homes made application to the Planning and Zoning Commission of the City of Cottage Grove to replat Lots 1-17, Block 8; Lots 1-10 Block 9; Lots 7-22, Block 10, of Pinetree Pond East Third Addition, and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove held a public hearing pursuant to published notice on September 22, 1980, and

WHEREAS, pursuant to the hearing, the Planning and Zoning Commission recommended approval of the preliminary plat, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED, by the City of Cottage Grove, County of Washington, State of Minnesota, that the application by Orrin Thompson Homes for the approval of the preliminary plat to replat the above-described lots be, and the same hereby is approved, subject to the following stated conditions:

1. That the preliminary plat shall be subject to the review by the Public Safety and Public Works Commissions of the City of Cottage Grove.
2. That the Planning and Zoning Commission of the City shall review the final plat if there are any changes from the preliminary plat.

Passed this 15th day of October, 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.

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

RESOLUTION NO. 80-171

GRANTING TO ORRIN THOMPSON HOMES A CONDITIONAL USE PERMIT FOR
A PLANNED UNIT DEVELOPMENT

WHEREAS, Orrin Thompson has made application to the Planning and Zoning Commission of the City of Cottage Grove for a conditional use permit for a planned unit development for 80 quad-home units on the following described property: Lots 1-17, Block 8; Lots 1-10, Block 9; Lots 7-22, Block 10; all in Pinetree Pond East Third Addition, and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove held a public hearing on September 22, 1980 pursuant to published notice and,

WHEREAS, the Planning and Zoning Commission recommended approval of the conditional use permit, subject to certain conditions, and

WHEREAS, the non-residential traffic will not create a safety hazard in the area; the adjoining residentially zoned land has not been developed with existing homes, and there will be no deterrence to development of vacant land as the same is owned by the applicant and will be developed by the applicant; the structure and site will have an appearance that will not have an adverse effect upon surrounding residential properties; there will not be any exterior signs other than those permitted in a residential district,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, Washington County, Minnesota, that the application by Orrin Thompson Homes for a conditional use permit on the above-described property be, and same hereby is granted, subject to the condition that a review be made of the following by the City:

1. The subdivision agreement.
2. The homeowner's agreement.
3. The landscape plan.

Passed this 15th day of October, 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 Denzer, Councilman Hammero, 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. 80-172

RESOLUTION APPROVING FINAL PLAT OF PINETREE POND EAST FOURTH
AND FIFTH ADDITIONS

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WHEREAS, Orrin E. Thompson Construction Corporation has made application for approval of the final plat of Pinetree Pond East Fourth and Fifth Additions; and

WHEREAS, the Planning and Zoning Commission of the City of Cottage Grove has held a public hearing on said application and has recommended approval of the final plat, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Cottage Grove, Washington County, Minnesota, that the application by Orrin E. Thompson Construction Corporation for approval of the final plat of Pinetree Pond East Fourth and Fifth Additions, shall be, and the same hereby is, approved, subject to the following conditions:

1. Review and approval by the Public Safety Commission.
2. Entry into a Subdivision Agreement between the City and the applicant.

Passed this 15th day of October, 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.

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

RESOLUTION NO. 80-173

RESOLUTION AMENDING RESOLUTION NO. 80-119 APPROVING FINAL
PLAT OF PINETREE POND EAST THIRD ADDITION

WHEREAS, Resolution No. 80-119 was passed on August 6, 1980, approving the final plat of Pinetree Pond East Third Addition; and

WHEREAS, an application was made for a preliminary plat of Pinetree Pond East Fourth and Fifth Additions, said Additions constituting a portion of Pinetree Pond East Third Addition; and

WHEREAS, approval was given to the preliminary plat of Pinetree Pond East Fourth and Fifth Additions; and

WHEREAS, a conditional use permit has been granted to Orrin Thompson Homes for the planned unit development in Pinetree Pond East Fourth and Fifth Additions; and

WHEREAS, the amendment made in the Pinetree Pond East Third Addition plat should be reflected to show the Fourth and Fifth Additions;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, Washington County, Minnesota, that Resolution No. 80-119 is hereby amended to reflect the changes in the plat so as to conform to Pinetree Pond East Fourth and Fifth Additions.

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Passed this 15th day of October, 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 Denzer, Councilman Amundson, and Mayor Peterson. The following voted against the same: None. Whereupon said resolution was duly declared passed and adopted.

Mr. James Rush representing Mr. Carver Baker appeared before the Council regarding the request of Mr. Baker to have certain lands located in the City of Cottage Grove detached and annexed to St. Paul Park.

The Council listened to the presentation of Mr. Rush.

Motion that the request of Mr. Carver L. Baker to detach approximately 47.5 acres of property from the City and annex it to the City of St. Paul Park, be denied made by Councilman Amundson. Seconded by Councilman Hammero. Carried viva voce.

Mr. Joseph Bruhn appeared before the Council regarding the Thompson Grove Fire Fighters Contract.

The Administrator was directed to send his memo out to the Council regarding the contract for 1980. This item will be placed on the next Council agenda for further consideration.

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

RESOLUTION NO. 80-174

RESOLUTION ACCEPTING WORK AND AUTHORIZING FINAL PAYMENT
FOR CONSTRUCTION OF TENNIS COURTS AT WOODRIDGE PARK

WHEREAS, pursuant to a written contract signed with the City of Cottage Grove, Tennis West, Ltd. has satisfactorily completed the construction of the tennis courts at Woodridge Park in accordance with such contract, and

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 \$4,147.50.

Passed this 15th day of October, 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

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said resolution was duly declared passed and adopted.

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

RESOLUTION NO. 80-175

RESOLUTION PROVIDING FOR THE ACQUISITION OF CERTAIN LANDS FOR
JAMAICA AVENUE AND FOR AMENDING RESOLUTION NO. 80-118 ADOPTED
BY THE CITY COUNCIL ON AUGUST 6, 1980

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 a public use and purpose to acquire easements and rights-of-way for the installation and improvement of Jamaica Avenue north to Military Road; and

WHEREAS, Resolution No. 80-118, adopted by the City Council on August 6, 1980, provided only for the acquisition of permanent easements for the installation of said road; and

WHEREAS, it is necessary and for a public use and purpose to acquire temporary construction easements and rights-of-way for the installation and improvement of Jamaica Avenue north to Military Road,

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 permanent and temporary easements and rights-of-way interests in land in the City of Cottage Grove, County of Washington, State of Minnesota, for the acquisition, construction, operation, and maintenance of Jamaica Avenue north to Military Road within said City 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 in the legal descriptions which are appended hereto as Exhibit B; 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 the acquisition of the afore-described 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 other things necessary to acquire the necessary interests in the hereinafter described lands; and

BE IT FURTHER RESOLVED, that the legal descriptions of the lands to be acquired are appended hereto as Exhibit B, and amending Resolution No. 80-118, as adopted by the City Council on August 6, 1980.

Passed this 15th day of October, 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.

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

RESOLUTION NO. 80-176

RESOLUTION AWARDING BID - WATER AND SEWER EXTENSIONS
PINETREE POND EAST THIRD ADDITION-PHASE I AND KLOHN ADDITION

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

WHEREAS, it is the recommendation of the Engineer that the contract be awarded to C. W. Houle, Inc., now

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the proper City officials are hereby authorized and directed to enter into a contract as provided by law with C. W. Houle, Inc., in the amount of \$558,069.00 for water and sewer extensions in the Pinetree Pond East Third Addition-Phase I and the Klohn Addition.

Passed this 15th day of October, 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.

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

RESOLUTION NO. 80-177

RESOLUTION AUTHORIZING ENGINEER TO PREPARE PLANS AND SPECIFICATIONS
FOR THE IMPROVEMENT OF JAMAICA AVENUE SOUTH FROM 90th STREET NORTH
TO MILITARY ROAD

WHEREAS, the City Engineer, Bonestroo, Rosene, Anderlik & Associates, Inc., has advised this Council that it is feasible to improve Jamaica Avenue South from 90th Street northerly to Military Road by adding an additional two (2) lanes of surfaced road, and

WHEREAS, sufficient funds are available in the City's Municipal State Aid account to cover this construction,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that such improvement of Jamaica Avenue South from 90th Street South northerly to Military Road is hereby ordered and that Bonestroo, Rosene, Anderlik & Associates, Inc., are hereby designated as the engineers for this improvement. They shall prepare plans and specifications for the making of said improvement.

Passed this 15th day of October, 1980.

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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.

Motion that the Council approve the recommendation of staff to have two (2) median cuts at an approximate cost of \$1,500.00 on Point Douglas Drive South in front of the Soft Top Shop, made by Councilman Denzer. Seconded by Councilwoman Berndt. Carried 3 ayes, 2 nays. Councilman Amundson and Councilman Hammero voting nay.

Motion that the Council approve the purchase of one (1) Wausau Model TB 3050 snow plow and one (1) Wausau Model 100A hitch from Itasca Equipment Company at a total cost of \$3,235.00, made by Councilman Denzer. Seconded by Councilwoman Berndt. Carried viva voce.

Motion that the Council approve the purchase of 270 water meters at a cost of \$34.95 per meter with trade from Water Products Company, made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

Motion that the Council approve the hiring of Ms. Valerie Eng as a Temporary Accounting Supervisor at a monthly salary of \$1,500.00, effective October 6, 1980, made by Councilwoman Berndt. Seconded by Councilman Hammero. Carried 4 ayes, 1 nay. Councilman Denzer voting nay.

Motion that the Administrator be authorized to advertise for a Finance/Personnel Director, made by Councilwoman Berndt. Seconded by Councilman Hammero. Carried viva voce.

The Council was advised of the meeting to be held by the Association of Metropolitan Municipalities on October 29, 1980, regarding the proposed Legislative program. No action taken.

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

Motion that Mr. Arthur Siebenaler and Ms. Beverly Steichen be appointed to serve on the Public Health, Safety and Welfare Commission for terms to expire January 1, 1981 and January 1, 1983 respectively, made by Councilman Amundson. Seconded by Councilman Hammero. Carried viva voce.

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

The meeting adjourned at 10:55 P.M.

Respectfully submitted,

Carl F. Meissner
Carl F. Meissner
Clerk Administrator