

City Council Meeting
March 18, 1981

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Councilman Denzer. Seconded by Councilwoman Berndt. Carried viva voce.

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

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

Meeting adjourned at 11:40 P.M.

Respectfully submitted,

Carl F. Meissner
Carl F. Meissner
Clerk Administrator

133316

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 24 1981

James Anderson Howe
Secretary of State

133316
OITD

Pursuant to due call and notice thereof, a regular meeting was duly held at the City Hall, 7516 80th Street South, on the 18th day of March, 1981 at 7:30 o'clock P.M.

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

And the following were absent: None.

Mayor Peterson presided.

The minutes of the March 4, 1981 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. 81-19

RESOLUTION APPROVING CONSENT ITEMS ON CITY COUNCIL AGENDA
OF MARCH 18, 1981

BE IT RESOLVED, that applications from Cottage Grove SSS Snowmobile Club for a Dance Permit for March 28, 1981; B & J Construction, General Contractor's License; Davy McKee Corporation, General Contractor's License; Trucker-Sheehy Construction, General Contractor's License; and Pine Hill Developers, Inc., General Contractor's License, be approved.

Passed this 18th day of March, 1981.

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, Councilman Denzer, Councilman 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. 81-20

RESOLUTION ACCEPTING WORK AND AUTHORIZING FINAL PAYMENT
FOR WATER AND SEWER EXTENSION PROJECT IN PINETREE POND
EAST 2ND ADDITION

WHEREAS, pursuant to a written contract signed with the City of Cottage Grove, C. W. Houle, Inc. has satisfactorily completed the water and sewer extensions project in the Pinetree Pond East 2nd Addition in accordance with such contract, and

WHEREAS, it is the recommendation of the City Engineer, Bonestroo, Rosene, Anderlik & Associates, Inc. that the construction work as contracted for is complete and should hereby be accepted, 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

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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 \$16,307.40.

Passed this 18th day of March, 1981.

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.

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 Cottage Grove SSS Snowmobile Club for a Temporary "On Sale" Non-intoxicating Malt Liquor License for March 28, 1981 at the East Cottage Grove Community Club, 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 application 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 Cottage Grove SSS Snowmobile Club for a Temporary "On Sale" Non-intoxicating Malt Liquor License upon that property described as Lot A, East Side Addition, commonly known as East Cottage Grove Community Club on March 28, 1981, be approved, made by Councilwoman Berndt. Seconded by Councilman Denzer. Carried 4 ayes, 1 nay. Councilman Amundson voting nay.

Mr. Thomas Stiffler appeared before the Council regarding his application for a Conditional Use Permit for a commercial horse stable.

Various questions were asked of Mr. Stiffler by the Attorney. Statements were made by various residents.

Motion that the application of Thomas Stiffler for a Conditional Use Permit for a commercial horse stable be tabled for further investigation, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

The Council reviewed the application of Secure Properties for a Conditional Use Permit to conduct gravel mining.

Motion that the application of Secure Properties for a Conditional Use Permit for gravel mining be approved subject to the following conditions:

- A. Prior to December 31, 1981, the property owner shall submit an engineering report to the City. This report shall analyze and make recommendations as to the feasibility of the proposed lake and development plan as submitted by the applicant.

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- B. A reclamation schedule specifying slopes, type of ground cover, and completion dates shall be submitted by December 31, 1981.

and further, that the City Attorney is hereby directed to prepare the necessary resolution, made by Councilman Denzer. Seconded by Councilwoman Berndt. Carried viva voce.

The Council reviewed the request received from Mr. Carver Baker to have a utility study done in the NW 1/4 of Section 7.

The Council directed the Engineer to prepare a preliminary cost estimate for a study to provide utilities to the NW 1/4 of Section 7 and also that staff be directed to invite Mr. Baker to the next Council meeting so they may discuss his financial backing.

Motion that the Application of Mr. Robert Young for a Minor Subdivision located in part of the SE 1/4 of the NE 1/4 of Section 5, be approved subject to the following conditions:

- A. A park dedication fee of \$275.00 per lot be paid prior to recording of the subdivision.
- B. Percolation tests shall be required prior to the issuance of any building permit.
- C. The applicant shall submit a new Certificate of Survey indicating the legal description of each parcel.

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

The Public Health, Safety and Welfare Commission minutes of February 10, 1981 were reviewed.

Motion that the Public Works Department install a reflective sign on Point Douglas Road at Harry T. Sheldon's Eating & Drinking Establishment indicating access to Highway 61 southbound, made by Councilman Denzer. Seconded by Councilman Amundson. Carried viva voce.

Motion that the Council authorize the installation of a "Dangerous Intersection" or "Blind Intersection" sign at a location close to the intersection of Leeward Avenue South and Layton Avenue South and that a 30 Miles Per Hour sign on Leeward Avenue South be moved closer to said intersection, made by Councilwoman Berndt. Seconded by Councilman Denzer. Carried viva voce.

The Engineer gave a verbal report regarding the construction of Jamaica Avenue South north of 80th Street South and the change in where the granular material to be used on Jamaica will be obtained. No action taken.

The Council requested the Engineer to prepare cost estimates for fencing along Jamaica Avenue South.

The Engineer distributed to the Council a written report as requested regarding the installation of water and sewer to serve the Southwest corner of 70th Street and Hinton Avenue South.

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

RESOLUTION NO. 81-21

A RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING
ON IMPROVEMENT

WHEREAS, pursuant to a resolution of the City Council adopted on February 4, 1981, a report has been prepared by the City Engineer, Bonestroo, Rosene, Anderlik and Associates, Inc. with reference to making an improvement by the extension of water and sewer service to serve that property located in the Northwest 1/4 of the Northeast 1/4 of Section 8, and this report was received by the City Council on March 18, 1981.

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

1. The Council will consider the making of the improvement of extending water and sewer service on Hinton Avenue South from 72nd Street South northerly approximately 520 feet in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Section 429.011 to 429.111, (laws 1953, Chapter 398 as amended) at an estimated total cost of the improvement of \$58,600.00.

2. A public hearing shall be held on such proposed improvement on the 15th day of April, 1981 in the Council Chambers of the City Hall, 7516 80th Street South at 7:30 P.M. and the Clerk shall give mailed and published notice of such hearing as required by law.

Passed this 18th day of March, 1981.

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 Change Order No. 1 in the amount of \$12,301.25 between C. W. Houle, Inc. and the City for water and sewer construction in the Pinetree Pond East 3rd Addition, made by Councilman Denzer. Seconded by Councilman Hammero. Carried viva voce.

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

RESOLUTION NO. 81-22

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
ADVERTISEMENT FOR BIDS FOR 1981 SEAL COAT PROGRAM

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

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1. The plans and specifications for the seal coating of certain streets in the City of Cottage Grove, heretofore prepared for the City by the Engineers 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 and publicly opened and read aloud at the City Hall, on Wednesday, April 15, 1981 at 2:00 P.M. The Council will meet at a later date for the purpose of considering said bids and awarding the contract for the seal coating of streets.

3. The Clerk shall cause to be published in the South Washington County Bulletin, the official newspaper of the City, and in the Construction Bulletin, at least ten (10) days before the date for the opening of the bids, a Notice of Bids for the construction of said improvement, as required by law.

Passed this 18th day of March, 1981.

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 Council accept the Stipulation between the Cottage Grove Police Association and the City and that the Clerk is hereby authorized to sign said Stipulation on behalf of the City, made by Councilman Hammero. Seconded by Councilman Denzer. Carried viva voce.

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

RESOLUTION NO. 81-23

RESOLUTION CONCERNING THE SETTLEMENT OF THE COTTAGE GROVE
POLICE ASSOCIATION VS THE CITY OF COTTAGE GROVE

WHEREAS, the Cottage Grove Police Association commenced a lawsuit against the City concerning the method of payment of police officers' wages, said suit being premised on the fact that a grievance would be filed pursuant to the terms of the collective bargaining agreement, and

WHEREAS, the Police Association did not file the grievance as indicated in the initial papers commencing the lawsuit, and

WHEREAS, the District Court ultimately entered a judgment against the City without specifying the exact relief granted, and

WHEREAS, the reasons given for the unfavorable decision narrowed the scope of application of the arbitration/grievance procedure under the collective bargaining contract, and

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WHEREAS, the City sought an amendment of the Court's judgment to specify the relief granted, and to clarify or nullify the effect of the judgment upon arbitration/grievance procedure in the collective bargaining contract, and

WHEREAS, the effort to seek the amendments was unsuccessful, and,

WHEREAS, the City has appealed the decision of the District Court seeking the amendment or reversal of the judgment entered, and

WHEREAS, the Pre-Hearing Conference Justice indicated that while some portions of the reasoning of the District Court may be in error, the Supreme Court would likely affirm the judgment, and

WHEREAS, the attorney for the City has advised the Council that in the event the judgment is affirmed, it could result in the removal of some issues from the arbitration/grievance procedure in the collective bargaining contract, and

WHEREAS, the removal of certain items from the arbitration/grievance provision of the contract could result in lawsuits against the City on the issues so removed, thereby resulting in the City incurring additional costs in attorney's fees to defend such suits, which may not be incurred, or would be less if the issue proceeded through arbitration rather than the court process, and

WHEREAS, the City, through staff and the City Attorney, has attempted to negotiate a settlement of the appeal, and

WHEREAS, the Police Association will not accept a settlement of the terms agreeable to the City without the payment of a portion of their attorney's fees incurred in bringing the action against the City, and

WHEREAS, it is the Council's determination that it is in the best interest of the City to resolve the appeal through settlement so as to vacate the Court judgment, and

WHEREAS, the payment by the City to the Police Association of attorney's fees in this particular matter in order to settle the appeal can result in savings to the City of additional attorney's fees in the future, and

WHEREAS, members of the staff, city attorney and the Police Association have resolved all issues arising out of the lawsuit except for the attorney's fees to be paid to the Police Association.

NOW, THEREFORE, BE IT RESOLVED, by the City Council, City of Cottage Grove, Washington County, Minnesota, that a reasonable sum of attorney's fees to be paid to the Police Association in order to resolve the appeal of the case of the Cottage Grove Police Association vs. the City of Cottage Grove is \$2,800.00.

BE IT FURTHER RESOLVED, that said payment shall be made to the Police Association in accord with the settlement agreement.

Dated this 18th day of March, 1981.

The motion for the adoption of the foregoing resolution was duly seconded

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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 resolution was duly declared passed and adopted.

The Council discussed the proposed Grey Cloud annexation and the error that was made in the legal description in the Resolution No. 80-21 that was passed on February 6, 1980.

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

RESOLUTION NO. 81-24

RESOLUTION SUPPORTING ANNEXATION OF A PORTION OF THE
TOWNSHIP OF GREY CLOUD TO THE CITY OF COTTAGE GROVE
AND CORRECTING MINUTES OF FEBRUARY 6, 1980 CITY COUNCIL
MEETING

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 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 commonly known as the "lower island" and "outer islands" was favored to be annexed by the City Council at its regular meeting on February 6, 1980; and

WHEREAS, the minutes of the February 6, 1980 meeting of the City Council erroneously and incorrectly described the area supported for annexation 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 reaffirm that on February 6, 1980 it agreed to support and accept the annexation of only those certain lands from Grey Cloud Township known commonly as the "lower island" and "outer islands"; and

BE IT FURTHER RESOLVED, that the minutes of the City Council meeting of February 6, 1980 are hereby corrected so that the resolution of support, Resolution No. 80-21, shall include only that area known as the "lower island" and "outer islands" and legally described as follows:

SE 1/4 of SE 1/4, all in Section 26, T 27, R 22, Govt. Lot 1, NW 1/4 of NE 1/4, NE 1/4 of NE 1/4, Govt. Lot 2, SW 1/4 of NE 1/4, SE 1/4 of the NE 1/4, Govt. Lot 3, NE 1/4 of SE 1/4, Govt. Lot 4, Govt. Lot 5, all in

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Section 35, T 27 R 22. Govt. Lot 1, in Section 2, T 26, R 22. SW 1/4 of SW 1/4, SE 1/4 of SW 1/4, all in Section 25, T 27, R 22. The NW 1/4 the NE 1/4, NE 1/4 of SE 1/4, NW 1/4 of SE 1/4, NE 1/4 of SW 1/4, NW 1/4 of SW 1/4, SW 1/4 of SW 1/4, Govt. Lot 1, Govt. Lot 2, Govt. Lot 3, all in Section 36, T 27, R 22. Govt. Lot 1 of Section 1, T 26 R 22.

BE IT FURTHER RESOLVED, that a copy of the corrected Resolution No. 80-21, as attached hereto as Exhibit "B" and a copy of this resolution be forwarded promptly to the Minnesota Municipal Board as the correct and legal resolution of support accompanying the annexation petition attached hereto as Exhibit "A".

Passed this 18th day of March, 1981.

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

Motion that a map be prepared and attached to the foregoing resolution as Exhibit "C", made by Councilwoman Berndt. Seconded by Councilman Hammero. Carried viva voce.

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

RESOLUTION NO. 81-_____

RESOLUTION RESCINDING RESOLUTION NO. 80-21, A RESOLUTION SUPPORTING THE ANNEXATION OF A PORTION OF GREY CLOUD TOWNSHIP TO THE CITY OF COTTAGE GROVE

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Amundson. Upon vote being taken thereon, the following voted in favor thereof: Councilman Hammero, Councilman Amundson and Councilwoman Berndt. The following voted against the same: Councilman Denzer and Mayor Peterson. Whereupon said resolution failed. (Note: passage requires four fifths vote)

Motion that the Council approve the Mayor or any other Councilpersons reading the statement prepared by Mayor Peterson to the Minnesota Municipal Board Commission in regards to the annexation of a portion of Grey Cloud Township, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

Motion that the Labor Agreement and Addendum between the City of Cottage Grove and International Association of Fire Fighters Local 2570 be approved and that the Mayor and Clerk are hereby authorized to sign said agreement, made by Councilman Amundson. Seconded by Councilman Denzer. Carried viva voce.

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

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RESOLUTION NO. 81-25

RESOLUTION APPROPRIATING THE 1981 ANTIRECESSION FISCAL ASSISTANCE FUNDS

WHEREAS, the City of Cottage Grove is in receipt of Federal Antirecession Fiscal Assistance Funds totaling \$2,521.00, and

WHEREAS, the City must use these funds to maintain basic services and levels of employment, and

WHEREAS, the City has a need to maintain the basic level of service and employment in the Accounting Department, now,

THEREFORE, BE IT RESOLVED, that the Cottage Grove City Council hereby appropriates the \$2,521.00 of Federal Antirecession Fiscal Assistance Fund to be used to finance the salary and benefits of Valerie Eng as an Accountant in the City's Finance Department.

Passed this 18th day of March, 1981.

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

Motion that the Council approve the retaining of Valerie Eng in the Accounting Department through May 15, 1981, made by Councilman Amundson. Seconded by Councilman Hammero. Carried viva voce.

Motion that the Council accept the recommendation of the Public Works Director and give Mr. Terry Kirwan a merit increase to an hourly rate of \$9.68, said increase to be retroactive to January 1, 1981, made by Councilman Amundson. Seconded by Councilman Hammero. Carried viva voce.

Motion that the Council approve the purchase of 350 gallons of white paint at \$6.30 per gallon and 250 gallons of yellow paint at \$6.87 per gallon for a total of \$3,922.50 from Diamond Vogel Paint Company, made by Councilman Denzer. Seconded by Councilwoman Berndt. Carried viva voce.

The Council discussed who it should appoint as the auditor for the City for 1980.

Motion that the firm of DeLaHunt Voto & Company, LTD., be hired as the City's auditor to audit the 1980 City accounts, made by Councilman Denzer. Seconded by Councilman Amundson. Carried 4 ayes, 1 nay. Councilwoman Berndt voting nay.

Motion that Ms. Claudia Bertramsen be appointed as a temporary part-time Family Counselor at \$7.00 per hour effective March 27, 1981, made by Councilwoman Berndt. Seconded by Councilman Denzer. Carried viva voce.

Motion that Mr. James D. Morrow and Mr. Bruce Taher be appointed to the Economic Development Commission for terms to expire January 1, 1983, made by