



Proclamation

WHEREAS: Nearly one hundred thousand Minnesota small businesses provide employment and social and economic advancement opportunity for employees in Minnesota; and

WHEREAS: The potential for future employment growth for Minnesotans lies with small business; and

WHEREAS: Cultural, economic, and technological improvements for the future will be developed in many Minnesota small businesses; and

WHEREAS: Small business exemplifies the concurrent ideals of political and economic freedom; and

WHEREAS: Minnesota small business leaders have begun to develop effective advocacy and self-help programs;

NOW, THEREFORE, I, Albert H. Quie, Governor of the State of Minnesota do hereby proclaim the week of March 3 through March 9, 1980 to be

SMALL BUSINESS WEEK

in Minnesota, and have asked Lieutenant Governor Lou Wangberg to prepare this proclamation for my signature and disseminate the same. I further urge that small business owners, chamber of commerce representatives, and small business interests be accorded a warm welcome to the State Capitol.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this fourth day of March in the year of our Lord one thousand nine hundred eighty, and of the State the one hundred twenty-second.

Albert H. Quie

GOVERNOR

Lou Wangberg

LIEUTENANT GOVERNOR

Joan Anderson Howe
SECRETARY OF STATE

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 29 1980

Joan Anderson Howe
Secretary of State

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Pursuant to due call and notice thereof, a regular meeting was duly held at the City Hall, 7516 80th Street South, on the 20th day of February, 1980 at 7:30 o'clock P.M.

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

And the following were absent: None

Mayor Peterson presided at the meeting.

The minutes of the February 6, 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. 80-24

RESOLUTION APPROVING CONSENT ITEMS ON CITY COUNCIL AGENDA
OF FEBRUARY 20, 1980

BE IT RESOLVED, that Ordinance No. 325, An Ordinance for the City of Cottage Grove, Minnesota, Amending the City Code, Chapter 28, Relating to Zoning; Resolution No. 80-25, Resolution Granting Conditional Use Permit to Minnesota Mining and Manufacturing Company for a Permanent Landfill Site; license applications for Cottage Grove SS Snowmobile Club for a dance permit for March 29, 1980; Mark Redding for a General Contractor's License; and Romen's Construction Company for a General Contractor's License be approved.

Passed this 20th day of February, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Hammero. Upon vote being taken thereon, the following voted in favor thereof: Councilman Denzer, Councilman Hammero, Councilwoman Berndt, Councilman Amundson, 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 SS Snowmobile Club for a Temporary "On Sale" Non-intoxicating Malt Liquor License at the East Cottage Grove Community Hall on March 29, 1980, 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.

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Motion that the application of Cottage Grove SS Snowmobile Club for a Temporary "On Sale" Non-intoxicating Malt Liquor License at the East Cottage Grove Community Hall on March 29, 1980, be approved, made by Councilman Denzer. Seconded by Councilwoman Berndt. Motion carried, 4 ayes, 1 nay. Councilman Amundson voting nay.

State Representative Michael Sieben appeared before the Council and advised them as to what legislation was being introduced in the House which affects local government and also the status of the Belden/Highway 61 interchange.

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

ORDINANCE NO. 326

AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA
AMENDING CHAPTER 28 OF THE CITY CODE RELATING TO
PARKING OF VEHICLES WITHIN THE CITY, ADDING
DEFINITIONS AND SETTING FORTH PARKING RESTRICTIONS

The City Council of Cottage Grove, Washington County, State of 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 I, Section 28-3 (b) to add the following definitions:

Commercial Vehicle - Class I. Vehicles including, but not limited to the following: semi-trailers, garbage trucks, tank trucks, dump trucks, flatbed trucks, cattle trucks, trucks carrying or designed to carry explosive or flammable materials, well drilling equipment, earth-moving equipment, school buses designed to carry 66 or more persons, or other large vehicles similar either by use or size, except the tractor portion of semi-trucks.

Commercial Vehicle - Class II. Commercial pick-up trucks and vans, the tractor portion of semi-trucks, tow trucks, recreational vehicles, which are used for commercial purposes, and other commercial vehicles not defined in Class I.

Non-Commercial Vehicles. Passenger automobiles, motorcycles, recreational vehicles not used for commercial purposes, pick-up trucks not used for commercial purposes, and other vehicles designed for and used for passenger travel, except vehicles defined as Commercial Vehicles - Class I or II.

SECTION 2. AMENDMENT. The Code of the City of Cottage Grove, Minnesota, shall be amended by amending Chapter 28, Article III, Section 28-30 (c) (6) and (7) to read as follows:

(6) Use of parking facilities.

(i) No Class I Commercial vehicles shall be allowed to park in a residential district, except while making a pick-up, delivery, or performing a service.

(ii) Off-street parking accessory to dwelling units, either single or multiple family, shall be allowed to park one (1) Class II - Commercial Vehicle per dwelling unit on the premises; a second Class II - Commercial Vehicle shall be allowed only by Conditional Use Permit upon compliance with the criteria in Paragraph (vii) below.

(iii) Parking of non-commercial vehicles shall be allowed, unless, otherwise provided.

(iv) No auxiliary motors or engines on any commercial vehicle shall be allowed to operate in residential districts unless making a pick-up, delivery or providing a service.

(v) School buses designed to carry 66 or more persons may be parked in a residential district during school hours only.

(vi) Property complying with the definition of rural agricultural area under this Code, shall not be subject to the provisions of Paragraph (i), (ii), and (iv).

(vii) The applicant for a Conditional Use Permit or a second Class II - Commercial Vehicle under Paragraph (ii) shall be required to meet the following criteria, in addition to the criteria for issuance of a Conditional Use Permit as required by Section 28-14, and prior to issuance of the Permit the Council shall find that:

(a) That the area for parking will be surfaced with a durable and dustless material.

(b) That the proposed parking area will be sufficiently separated by a distance and screening from adjacent land so that existing homes will not be materially depreciated in value and there will be no deterrents to development of vacant land.

(c) That the hours of operation of said vehicles will not adversely affect adjoining property.

(d) That the operation of said vehicles will not constitute a public nuisance as defined by Section 15-1 of the City Code.

(7) Location of Parking Facilities.

Required off-street parking in the R districts shall be on the same lot as is the principal building. Required off-street parking in all districts shall meet the following setback requirements:

(a) Within all R districts, all vehicles normally owned or kept by the occupants on the premises must have a garage stall or open parking space on the same lot as the principal use served. Garages may be located to within five feet of an interior side lot line and to within eight feet of a rear lot line. No garage stall accessory to a residential structure on a corner lot or other similar situation shall be located within any required yard area abutting a street.

(b) Within the B-1 and B-2 districts, parking spaces and/or garages shall be located in areas other than a required yard; except, that parking may be located in a rear yard to within ten feet of the rear or side lot line; except, that where a side or rear lot line is abutting an R district, off-street parking shall be not less than thirty feet from such lot lines.

(c) Within the B-3 and B-4 districts, off-street parking spaces shall not be less than twenty feet from a street right-of-way, nor less than ten feet from any interior side lot line or rear lot; except, that where a side or rear lot line is abutting an R district, off-street parking shall be not less than thirty feet from such lot lines.

(d) Within I-1 and I-2 districts, off-street parking spaces shall be not less than twenty feet from any street right-of-way line, nor less than ten feet from any interior side or rear lot line; except, that when a side or rear lot line is abutting an R district, off-street parking shall be not less than thirty feet from such lot lines.

(e) Within any I-3 and I-4 districts, parking space for more than fifteen automobiles shall not be allowed within the front yard setback, nor within the side yard when abutting a street. Parking spaces shall be not less than thirty feet from any interior side or rear property line, nor forty feet from any street right-of-way line.

SECTION 3. AMENDMENT. The Code of the City of Cottage Grove, Minnesota, shall be amended by amending Chapter 28, Article IV, Section 28-31, Driveways, to read as follows:

The purpose of this section is to establish minimum standards for the design of safe ingress and egress for uses oriented to serving the motoring public, but not including parking lots. The driveway shall be deemed any area made of gravel, cement, asphalt, or other similar durable materials which allows vehicles access from the street to the structure on the premises for the purpose of storage or parking of vehicles on the premises, and shall include any parking area adjacent to the structure.

(a) Access driveways in all districts shall conform to specifications for driveway dimensions as set forth in Section 22-35 of the City Code. The driveway width shall be measured along the property line between the curb faces of the driveway, however, if, in the opinion of the Zoning Administrator, present or future traffic conditions warrant greater distances, such greater distances shall be required, subject to the approval by the City Council.

(b) The distance from a driveway to the property line of an adjacent property shall not be less than five feet, unless otherwise recommended by the Zoning Administrator and approved by the City Council.

SECTION 4. AMENDMENT. The Code of the City of Cottage Grove, Minnesota, shall be amended by amending Chapter 28, Article V, Section 28-45, to read as follows:

(a) Surfacing and drainage. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to

dispose of all surface water accumulation within the area in a manner that will prevent water from draining onto adjacent or nearby private property. These requirements shall also apply to open sales lots for cars, trucks, and other equipment.

(b) Location. All required off-street parking facilities shall be located as follows:

- (1) One- and two-family dwellings, on the same lot as the principal use served.
- (2) Multiple-family dwellings, on the same lot as the principal use served or within four hundred feet of the main entrance to the principal building served.
- (3) Business or industrial districts, within eight hundred feet of a main entrance to the principal building served.
- (4) There shall be no off-street parking space within any street right-of-way.

(c) Access. All off-street parking spaces shall have access of driveways and not directly off the public street.

(d) Determination of areas. A parking space shall be not less than three hundred feet of standing and maneuvering area. When application of these regulations results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, fractions over one half shall count as one additional space.

(e) Other parking in residential areas. Parking in residential areas, off-street and on-street, shall be limited to the use of the residents of those homes except for short-term parking for six hours or less. The parking of agricultural vehicles and equipment shall be prohibited except upon property complying with the definition of rural agricultural area.

(f) Sale of Parking areas. Property that constitutes required off-street parking area may not be separated, through sale or other means, from the property containing the principal use for which the parking area is required.

(g) Joint facilities. Required parking facilities serving two or more uses may be located on the same lot or in the same structure; provided, that the total number of parking spaces furnished shall be not less than the sum of the separate requirements for each use during any peak hour parking period when the parking facility is utilized at the same time by two or more uses.

(h) Designation of legal non-conforming use; time for compliance with parking ordinance amendments:

- (1) The Zoning Administrator shall receive applications from persons who believe the use of their property constitutes a legal non-conforming use as it relates to the amendments in Sections 28-3, 28-30, 28-31, and 28-45.

(2) Upon submission of the application, the Zoning Administrator shall review the facts and the application and conduct any investigation deemed necessary by the Zoning Administrator; upon completion of the review and investigation, the Zoning Administrator shall submit a report and recommendation to the City Council for action; all applications under this section shall be made within ninety (90) days from the passage and publication of the ordinance; applications submitted after the end of the ninety (90) days shall not be considered.

(3) Upon a review of the report and recommendation of the Zoning Administrator, the Council may find that a legal non-conforming use exists; upon such a finding by the Council, every legal non-conforming use shall be so designated by resolution reciting the factual basis for the finding.

(4) Upon the designation of a legal non-conforming use by the Council pursuant to Paragraph (3), the same shall be subject to all of the terms and provisions of Section 28-19 non-conforming use and structures.

(5) All parking which is in violation of the provisions of Sections 28-3, 28-30, 28-31 and 28-45; shall have a period of ninety (90) days from the passage and publication of the amendments to the above Sections to comply with the provisions of the same.

The City Council may approve the joint use of parking facilities under the following conditions:

(1) The proposed joint parking space is within five hundred feet of the use it will serve.

(2) The applicant shall show that there is no structural conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

(3) A properly drawn legal instrument, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the City Council.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication, according to law.

Passed this 20th day of February, 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 thereof: Councilman Amundson, Councilman Hammero, Councilman Denzer, Councilwoman Berndt, and Mayor Peterson. The following voted against the same: None. Whereupon said Ordinance was duly declared passed.

Mr. William Christofferson, appeared before the Council regarding the re-zoning of property owned by Mr. John Appert located in Section 31. Mr. Christofferson's concern was that due to the re-zoning, a section of trees could possibly be removed.

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Mr. Lewis, City Planner, was directed to review this and report back to the Council.

Discussion was held regarding the Reclamation Committee.

Motion that Mr. William Christofferson, 11971 Grey Cloud Trail South, be appointed as a member to the Grey Cloud Reclamation Committee, made by Councilman Hammero. Seconded by Councilman Amundson. Motion carried viva voce.

Motion that Mr. Conway Olson, 8538 Hamlet Avenue South, be appointed as a member to the Grey Cloud Reclamation Committee, made by Councilman Hammero. Seconded by Councilman Denzer. Motion carried viva voce.

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

RESOLUTION NO. 80-26

RESOLUTION ACCEPTING WORK AND AUTHORIZING FINAL PAYMENT
FOR JAMACA AVENUE STREET IMPROVEMENT

WHEREAS, pursuant to a written contract signed with the City of Cottage Grove, Husting and Engstrom, Inc. has satisfactorily completed the Jamaca Avenue street improvement 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 \$15,076.29.

Passed this 20th day of February, 1980.

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

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

RESOLUTION NO. 80-27

RESOLUTION ACCEPTING WORK AND AUTHORIZING FINAL PAYMENT
FOR WATER AND SEWER EXTENSIONS IN RIDGEWOOD ADDITION

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WHEREAS, pursuant to a written contract signed with the City of Cottage Grove, Mueller Pipeliners, Inc. has satisfactorily completed the water and sewer extensions in Ridgewood Addition 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 \$37,972.00.

Passed this 20th day of February, 1980.

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

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

ORDINANCE NO. 327

ORDINANCE AMENDING SECTION 14-3 RELATING TO MOTOR VEHICLES
AND TRAFFIC

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

SECTION 1. AMENDMENT. The Code of the City of Cottage Grove, Minnesota, is hereby amended by amending Section 14-3, locking vehicle, removing key, etc., to read as follows:

No person shall leave a motor vehicle (except a commercial motor vehicle in a business or industrial district) unattended on any street, alley, used car lot or unattended parking lot in the City without first stopping the engine, locking the ignition, removing the key and taking it with him; provided, that any violation of these provisions shall not mitigate the offense of stealing such motor vehicle nor shall such violation be used to affect a recovery in any civil action for the theft of such motor vehicle or the insurance thereon or have any other bearing on any civil action.

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 20th day of February, 1980.

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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 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.

The Council reviewed the Parks, Recreation and Natural Resources Commission minutes of February 4, 1980.

Motion that the map presented by the Director of Parks and Recreation outlining the parks and open space area in the City be approved and that the original be placed on file in the office of the City Clerk for public information, made by Councilman Hammero. Seconded by Councilwoman Berndt. Motion carried viva voce.

Motion that the Council accept the recommendation of the Parks, Recreation and Natural Resources Commission and staff that the City not pursue purchasing easement rights for the multi-purpose trail south of 80th Street South at this time but rather pick up the future trail system under the City's Parks Dedication Ordinance, made by Councilman Amundson. Seconded by Councilman Hammero. Motion carried viva voce.

The Council reviewed the Public Works Commission minutes of February 5, 1980.

The Council discussed the recommendation regarding the adoption of a Tree Disease Ordinance. It was recommended that this ordinance be returned to the Public Works Commission along with the recommendation of the City Attorney for further study.

The recommendation regarding the bike trail on Jamaca Avenue South was reviewed. No action taken.

The recommendation regarding the construction of curb and gutter in the Howard Addition was discussed. This matter was referred to the Engineer and Director of Public Works for further clarification.

The Council reviewed the Economic Development Commission minutes of February 7, 1980.

The Council approved of the Economic Development Commission holding a public meeting on March 6, 1980 with the other area Councils or representatives regarding cable television.

Motion that John Whitehead be appointed as a member of the Economic Development Commission for a term to expire January 1, 1983, made by Councilwoman Berndt. Seconded by Councilman Denzer. Motion carried viva voce.

The Council also reviewed the recommendation regarding the appointment or selection of Commission members. The Economic Development Commission recommendation of October 4, 1979 is to be forwarded to all Commissions for their review and discussion.

Motion that the Council accept the recommendation of the Administrator and establish a passing score of 75% both on the written and oral tests given in conjunction with promotions within the Police Department, made by Councilwoman Berndt. Seconded by Councilman Hammero. Motion carried viva voce.

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Motion that the Council approve the purchase of two (2) voting machines at a cost of \$2,777.00 per machine, made by Councilman Denzer. Seconded by Councilman Hammero. Motion carried viva voce.

Motion that the Council accept the recommendation of staff regarding the amendments to the Housing Chapter of the Metropolitan Development Guide, made by Councilman Amundson. Seconded by Councilwoman Berndt. Motion carried viva voce.

Motion that the Council accept staff's recommendation regarding the sharing of cost with the County for the purchase of right-of-way to upgrade 70th Street South (County Road 22) from Hinton Avenue west to the city limits at an approximate cost of \$50,000.00, made by Councilman Amundson. Seconded by Councilwoman Berndt. Motion carried 4 ayes, 1 nay. Councilman Amundson voting nay.

The Council also directed the Administrator to check with the County regarding the City assuming maintenance on 65th Street South in lieu of our participating in right-of-way purchases on 70th Street South. Also, that the County be requested to extend the construction limits to the St. Paul Park overpass.

Motion that the Council approve Change Order No. 1 between Mueller Pipeliners, Inc. and the City regarding the Ridgewood water and sewer project in the amount of \$2,612.77 and that the Mayor and Clerk are hereby authorized to sign said Change Order, made by Councilman Amundson. Seconded by Councilman Hammero. Motion carried viva voce.

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

RESOLUTION NO. 80-28

RESOLUTION AWARDING BID FOR FURNISHING OF TREES

WHEREAS, the City Council has previously approved plans and specifications for the furnishing of various species of trees, and

WHEREAS, it appears that Buell Bros. Florists is the lowest responsible bidder, and

WHEREAS, it is the recommendation of the Director of Public Works and the City Administrator that the contract be awarded to Buell Bros. Florists.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cottage Grove, County of Washington, State of Minnesota, that the bid for the furnishing of various species of trees to the City be awarded to Buell Bros. Florists in the amount of \$6,559.00 and that the proper City officials are hereby authorized and directed to enter into a contract as provided by law.

Passed this 20th day of February, 1980.

The motion for the adoption of the foregoing resolution was duly seconded by Councilman Denzer. Upon vote being taken thereon, the following voted in favor thereof: 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.