

COON RAPIDS CITY COUNCIL MEETING MINUTES OF JANUARY 19, 2010

OPEN MIC/PUBLIC COMMENT

Phil Rosar, 10640 Mississippi Boulevard, expressed concern about the City's water shut off policy. He stated units at Riverview Third Association were flooded because a unit was posted that the City had shut off the water when in fact it was not shut off. He felt the Housing Coordinator did not follow through to ensure the water was shut off or post a disclaimer. Mr. Rosar questioned the City's procedure to have the water turned back on. He felt there were too many steps that were not related to regaining water service.

Mr. Rosar objected to Council's approval of garage doors facing Coon Rapids Boulevard for the Goodwill development. He stated he lost three units in a townhouse development he built because that Council would not allow garage doors facing Coon Rapids Boulevard.

Jerry Pierce, 12236 Partridge Street, felt the citizens were pleased that the community center proposal was not approved. He stated Council should control spending.

Alan Williams, 10744 Yellow Pine Street, stated he served on the Riverview Third Association Board of Directors with Phil Rosar. The association trusted the fact that the property was posted that the water was shut off when it wasn't and a units were flooded.

CALL TO ORDER

The second regular meeting of the Coon Rapids City Council for the month of January was called to order by Mayor Tim Howe at 7:12 p.m. on Tuesday, January 19, 2010, in the Council Chambers.

ROLL CALL

Members Present: Mayor Tim Howe, Councilmembers Denise Klint, Melissa Larson, Paul Johnson, Joe Sidoti, Bruce Sanders, and Scott Schulte

Members Absent: None

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ADOPT AGENDA

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT THE AGENDA AS AMENDED, REMOVING ITEM 14. THE MOTION PASSED UNANIMOUSLY.

2. PROCLAMATION FOR 2010 SNOWFLAKE DAYS

Mayor Howe proclaimed 2010 Snowflake Days. Diane Buszta described the planned events.

3. CONSIDER APPROVAL OF MINUTES:
 - A. DECEMBER 8, 2009, CITY COUNCIL WORK SESSION
 - B. JANUARY 4, 2010, CITY COUNCIL MEETING
 - C. JANUARY 5, 2010, CITY COUNCIL WORK SESSION
 - D. JANUARY 12, 2010, CITY COUNCIL WORK SESSION
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MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE MINUTES OF THE DECEMBER 8, 2009, COUNCIL WORK SESSION. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE MINUTES OF THE JANUARY 4, 2010, COUNCIL MEETING.

Councilmember Schulte requested on Page 14, Item B, add “also decided to interview up to five new applicants”.

THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER SIDOTI, FOR APPROVAL OF THE MINUTES OF THE JANUARY 5, 2010, COUNCIL WORK SESSION

Councilmember Schulte requested that he be listed as absent from the meeting.

THE MOTION PASSED 6-1, COUNCILMEMBER SCHULTE ABSTAINED.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE MINUTES OF THE JANUARY 12, 2010, COUNCIL WORK SESSION MEETING.

Jerry Pierce requested the minutes be read into the record. City Attorney Hiljus summarized the statutory requirements for points of order.

Councilmember Schulte asked Mr. Pierce what he believed was missing from the minutes. Mr. Pierce expressed concern that Kraus Anderson had not qualified. He asked who were the three companies interviewed and why Kraus Anderson had not qualified.

Councilmember Sidoti noted Kraus Anderson was eliminated because Kraus Anderson did not have a construction manager with the experience the City wished to have.

Councilmember Larson noted City minutes were not a verbatim transcript but rather a summary.

Councilmember Schulte clarified that he believed no one was saying that Kraus Anderson was not qualified but that they did not meet the qualifications laid out in the current RFP.

THE MOTION PASSED 6-1, COUNCILMEMBER KLINT ABSTAINED.

4. CONSENT AGENDA:
 - A. APPROVE JOINT POWER AGREEMENT TO CONTINUE PARTICIPATION IN THE ANOKA-HENNEPIN NARCOTICS AND VIOLENT CRIMES TASK FORCE
 - B. CONSIDER RESOLUTION 10-25 TO ACCEPT THE DONATION OF MONIES TO BE USED TOWARD THE ICOP IN-SQUAD VIDEO RECORDING SYSTEM FROM COON RAPIDS YOUTH HOCKEY ASSOCIATION
 - C. APPROVE AGREEMENT FOR 2010 RESIDENTIAL RECYCLING PROGRAM
 - D. CONSIDER RESOLUTION 10-24 ESTABLISHING POLLING LOCATION FOR WARD 4, PRECINCT 2, AT CEDAR ROCK CHURCH, 3700 COON RAPIDS BOULEVARD
 - E. APPROVE JOINT POWER AGREEMENT WITH ANOKA COUNTY, TRAFFIC SIGNAL MODIFICATIONS THROUGHOUT CITY, PROJECT 09-18
 - F. APPROVE 2010 PAY EQUITY IMPLEMENTATION REPORT
 - G. ACCEPT ENCROACHMENT AGREEMENT WITH DAVID M. AND PAMELA J. SCOTT OVER PORTIONS OF THE CITY'S RIGHT-OF-WAY ALONG EGRET BOULEVARD
 - H. APPROVE SPECIFICATIONS FOR THE PURCHASE OF A FIRE ENGINE AND AUTHORIZE THE ADVERTISEMENT FOR BIDS
 - I. APPROVE PUBLIC DANCE LICENSE RENEWAL FOR SOBER CITY, 476 NORTHDALÉ BOULEVARD
 - J. INFORMATIONAL ITEM:
 1. OFFICER CHANGE AT DAVANNIS
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MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE CONSENT AGENDA. THE MOTION PASSED UNANIMOUSLY.

Mayor Howe read a letter sent to Mr. Pierce regarding architectural design plans.

5. OPEN MIC REPORTS

Mayor Howe provided a recap of the issues brought forward at the last Council meeting along with staff's response.

- A. JERI RAMBERG, 806 108TH LANE NW, RE: LIGHTS AT COOK OUTDOOR ICE ARENA
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Public Services Director Gatlin presented a memorandum to Council stating Jeri Ramberg, 806 108th

Lane, appeared at Open Mic at the January 4, 2010 meeting. She expressed concern about the lack of lights at Cook Arena outdoor rink. She suggested that Cook Arena staff could activate the lights when the Arena is open and skaters would then have a place to warm up.

As part of the 2010 Budget reductions, outdoor skating was eliminated at most rinks. Currently outdoor rinks are operated with warming houses, attendants, and lights at Thorp, Riverview, and Woodcrest Parks. By not providing portable warming houses and rink attendants at other neighborhood rinks, we saved approximately \$27,000 in this year's budget.

To respond to Ms. Ramberg's request, park staff discussed the feasibility of turning the lights on at Cook with Ice Arena operational staff. We agree that the request is reasonable and as of last week, lights have been turned on outside at Cook Arena. The lights will remain on while the Arena is open and staffed. Outdoor skaters will be allowed to use the lobby area of the Arena to warm up. Arena staff will be responsible for turning the lights on and off and assisting outdoor skaters as necessary.

Because of the lateness of the season, it is not feasible at this time to consider adding additional outdoor rinks. This is a discussion that can be held during budget discussions and deliberations. At that time staff will provide user information for the rinks open this year as well as incremental costs to provide lighting for outdoor rinks and additional warming houses and rink attendants at other rinks.

It costs approximately \$5/hr to operate the lights at Cook Arena. Staff estimates it will cost approximately \$1,000 to run the lights at Cook Arena 4-5 hours/night, six days per week for the remainder of the skating season.

6. CONSIDER APPEAL OF CONVERSION FEE AND ADMINISTRATIVE FINE FOR OPERATING A RENTAL DWELLING WITHOUT A LICENSE, JOSH DIEKOW, 12111 KILLDEER STREET, #205, WO#34477

Housing Inspector Posh presented a memorandum to Council stating Joshua Diekow is the rental property owner of 12111 Kildeer Street #205. Mr. Diekow is asking the City Council to waive all fees and penalties relating to his rental property.

On December 2, 2009, Anna McCauley, the tenant at 12111 Kildeer Street #205, called asking if there was a rental license inspection scheduled at the above unit. There was not. Staff was not aware that the unit was a rental property. Ms. McCauley's complaint was that someone saying they were the rental inspector came into her home to "look around". After the investigation by Officer Toninato, C.O.P.P.S. Officer, it was determined that the landlord sent a friend into the property claiming to be a rental inspector to harass them because they were complaining of repairs that needed to be completed. It was clear that Mr. Diekow was aware that a rental license inspection was required or he wouldn't have sent a "rental inspector" to the property.

Mr. Diekow was sent a rental license information packet with a letter on December 2, 2009 requiring a \$500 Conversion Fee and charging him an Administration Fine of \$500 for renting a property without a license. Mr. Diekow was provided the opportunity to appeal to City Council as stated in

the rental licensing code. The appeal states he does not have money for the Conversion Fee or the Administration Fine.

Mayor Howe stated he was troubled by someone going into the property representing themselves as a rental inspector.

Mr. Diekow, 7066 139th Avenue, Ramsey, stated his friend Justin Wheeler acted on his own; he never sent his friend to the property. He indicated Mr. Wheeler had visited this rental home many times as Mr. Diekow had lived there at one time. He stated he was barely holding onto his rental property and indicated he has been at the rental property many times since he has rented it. He stated it upset him he was being blamed for sending his friend over to his property when he took care of it himself. He stated if he was to send someone over to look at his property he would not send a friend who had some issues. He stated he had not talked to his friend for four days prior to him visiting the property. He stated he had told the police department that he was willing to cooperate in any way possible. He indicated the police report did not tell the entire story. He stated he did not have the money right now to pay for these fines as he did not have a job and was struggling financially. He indicated he did not want to have the property foreclosed on either. He noted the surrounding rental fees were a lot less than Coon Rapids. He stated he did not know there was a rental license fee.

Mayor Howe stated there were many cities that had licensing fees much higher than Coon Rapids. He noted some cities did not have conversion fees, but many had higher yearly fees. He asked if there was anything Council could consider regarding properties close to or in foreclosure with respect to fees and fines. City Attorney Hiljus responded there was not anything specific. He summarized the intent of the conversion fee and indicated if Council determined the fees and fines were not appropriate in this situation, Council could make some findings waiving them.

Mayor Howe asked Mr. Diekow when the first time he had learned about a rental fee. Mr. Diekow responded it was when this situation occurred.

Councilmember Sidoti asked if he had attended the landlord class. Mr. Diekow responded he had been told by staff that if he did not have the money to pay for the fees there was no point in going to the class.

Councilmember Sidoti stated there were many landlords that would like fees and fines waived, but Council needed to be consistent with their decision. He indicated there were reasons why this had to be done, including tenants being protected. He stated he would not have any problem waiving the fine because apparently Mr. Diekow did not know about the licensing requirements, but there was no way Council could waive the licensing fee.

Mr. Diekow asked who the conversion fee was meant for. Mayor Howe noted there had been a lot of situations where the exterior and landscaping of rental properties were not being taken care of and this was the City's way of keeping the housing stock in good shape, which benefited the entire City.

Councilmember Klint stated there obviously was a problem with the plumbing in the property. Mr. Diekow responded the problem had been fixed.

Councilmember Klint noted inspection fees were part of the expense of owning rental property.

Councilmember Johnson stated he had an issue with Mr. Diekow's explanation. He asked how anyone in the community would know about the rental inspection other than people who were involved. He stated he would not let anyone in the home based on that. He noted Mr. Wheeler had ducked under the tenant's arm and this did not make sense to him. He believed both the fees and the fine should be imposed. He believed Mr. Wheeler knew from Mr. Diekow that there was a rental inspection fee required. He indicated he would support staff's recommendation.

Phil Rosar, 10640 Mississippi Boulevard, stated he knew Mr. Wheeler who was aware of the rental licensing and inspections. He stated Mr. Wheeler had facilitated property sales for him.

Councilmember Schulte stated the only way he would feel comfortable waiving the administrative penalty was if he was convinced that Mr. Wheeler did this completely on his own and that Mr. Diekow knew nothing about the rental ordinance, but frankly he had trouble believing this. He stated he would not waive the conversion fee. He noted as a rental property, this property was now a business within the City and it was up to the landlord to comply with the City ordinances.

Councilmember Sanders asked how Mr. Wheeler knew this was a rental property and that there were issues with it. He indicated it concerned him that someone entered a tenant's leased property and portrayed themselves as a rental inspector. He stated he might be inclined to waive the fine, but Council needed a reason for doing that and he was not sure there was a reason. He asked how this was different from any other property in the City. He noted the Council needed to use continuity and treat everyone the same. He did not know how the Council could waive the fee.

Councilmember Klint stated she was very concerned about Mr. Wheeler representing himself as an inspector. She asked why Mr. Wheeler was not arrested if he was lying to the police. She noted the Council had to rely on what was given to them and apparently the information Mr. Wheeler gave to the police officer was convincing that it was the truth. She stated she wanted to uphold the fees. With respect to the penalty, she was not sure this could be worked out.

Mr. Diekow noted Mr. Wheeler had been charged with trespassing. Mayor Howe noted Mr. Wheeler had told the police officer that Mr. Diekow had told him to go over to the property.

Councilmember Schulte stated if Mr. Diekow knows Mr. Rosar, who is a large rental property owner in the City, then he believed Mr. Diekow knew about the rental property ordinance. He stated he was in favor of the fees and fines, but he would be in favor of deferring the charges.

Mr. Diekow stated he had only met Mr. Rosar a few times through Mr. Wheeler. He noted his tenants had started paying rent in September 2009.

Councilmember Schulte stated he did not know if there was a way to defer the licensing costs. Mayor Howe responded that was correct and he believed Council should require the conversation fee payment. He stated the Council did not want to see Mr. Diekow lose his property either.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER LARSON, TO UPHOLD THE CONVERSION FEE AND DISMISS THE ADMINISTRATIVE FINE PENDING MR. DIEKOW'S ATTENDANCE AT THE RENTAL CLASS WITHIN 60 DAYS.

Councilmember Larson believed Mr. Diekow might not have known about the rental licensing fee as he did not live in the City.

Councilmember Schulte stated he had a problem with the motion in that someone could say they didn't know about the rental licensing fee and that Council was setting a precedent by not enforcing the administrative fine. He indicated he did not have a problem deferring the fine, but he did not want to see it forgiven.

Councilmember Sidoti stated he would entertain an amendment to his motion. He stated he wanted to avoid foreclosure but deferral was agreeable.

Councilmember Schulte asked if the property taxes could be assessed over a five-year period. City Attorney Hiljus responded there would need to be a special assessment done, but he would need to check the Statute for the rules. He stated the leverage was that Mr. Diekow could have a year to pay the administrative fine and when he renewed his license next year the administrative fine would need to be paid.

Councilmember Schulte asked if this could be added onto next year's license fee. He noted the \$500 needed to be applied, but not necessarily assessed. He indicated he was willing to defer it up to two years if necessary, but if he would move back in prior to the two years, the amount would be due and payable immediately.

Councilmember Johnson asked that the motion be split into two motions with one motion upholding the conversation and the other motion to deal with administrative fine. He stated he was not willing to defer either.

Councilmember Klint stated she would also prefer to do the motion that way.

Councilmember Sidoti stated he would not change the first part of his motion, but with respect to the administrative fine, he modified his motion that the fine is to be paid within two years (\$250 per year) in addition to the annual license fee. The fine to be paid in full if the property is converted.

Councilmember Larson agreed with the amendment.

Councilmember Johnson stated he would go along with this motion, as long as all fines were paid.

Councilmember Klint stated the Council had to be consistent and that was the reason for the ordinance.

City Manager Fulton asked if Council wanted a timeframe to complete all of the other related aspects. Mayor Howe stated he believed the Council had agreed to 60-days.

Councilmember Johnson stated the reason he would support the motion was that if he voted against it, he would be agreeing with Mr. Diekow and he did not want that to be perceived. He stated he was willing to accept this method of getting payment only.

Councilmember Schulte stated if Mr. Diekow did not complete the required steps within 60 days all payments would be due immediately and not over two years.

Councilmember Sanders stated he wanted Council to give the message that they were supporting staff and he wanted staff to know that the Council was only modifying the penalty.

THE AMENDED MOTION PASSED 5-2, COUNCILMEMBERS KLINT AND JOHNSON OPPOSED.

7. CONSIDER APPEAL OF MULTIPLE PET PERMIT, CHAD ZIEMER, 9725 AVOCET STREET NW, CASE 10-1

Police Chief Wells presented a memorandum to Council stating Mr. Chad Ziemer applied for a multiple pet permit to keep three dogs at his residence. The Multiple Pet Committee met on December 29, 2009 to review the application. Due to complaints the committee received regarding the dogs, the application was denied. Mr. Ziemer requested an appeal before the Council for their decision on this denial.

The Multiple Pet Committee base their decisions to approve or deny an application from police reports, survey of neighbors, inspection of the pet owner's property and reaction and comments from neighbors and the community-at-large attending the meeting. Mr. Ziemer met all the requirements of the application.

Staff received detailed complaints about Mr. Ziemer's dogs barking from Mr. Stodola. The complaints stated that the dogs are let out numerous times of the day well into the night. Each time the dogs are out, they bark. Mr. Stodola alleged that they are often woken up from their sleep when the dogs are out around 11 p.m. Mr. Stodola stated that in the summer, Mr. Ziemer often did not pick up after his dogs and the odor made it difficult for him and his wife to enjoy their yard.

Mr. Ziemer was not present at the meeting. The Multiple Pet Committee voted unanimously to deny the permit.

Chad Ziemer and Dawn, 9725 Avocet Street NW, stated they had met all of the requirements for the multiple pet application but was denied. He stated they were not aware of the issues until recently and there were no complaints with the City. He stated he did not attend the meeting because he did not believe there was going to be an issue. He stated they were very respectful of their neighbors and now let their dogs out one at a time so they did not bark and the dogs were let out no later than 10:00 p.m. He stated they did not want to create hard feelings with their neighbors.

Councilmember Schulte asked if he has spoken with Mr. Stodola since receiving the information. Mr. Ziemer responded he has not as he did not know Mr. Stodola well. He indicated he was willing

to talk to Mr. Stodola though. He stated he was surprised his neighbor had an issue as nothing had ever been said to them.

Mrs. Ziemer acknowledged their dogs were “yippy”, but they let the dogs back into the house right away.

Councilmember Schulte stated many did not want to contact neighbors to complain and he believed an important step that was missed was their not attending the meeting. He believed letting the dogs out one at a time and not letting them out after 10:00 p.m. was a good alternative. He stated he was willing to issue the permit. He stated if possible, he would like to put this on a shorter timeframe however to make sure Mr. Stodola was happy with the outcome as he could not be at this meeting. He was not in favor of giving the permit for the entire year.

Councilmember Klint agreed with Councilmember Schulte. She asked if one of them could be out with the dogs also. Mrs. Ziemer stated the issue was that when one dog started barking the other would bark as well. She noted they have only had their new dog since October and the neighbors had not said anything.

Mayor Howe stated having pets was a privilege and not a right and they should not adversely impact their neighbors. He stated this included smell and noise. He stated he agreed with Councilmember Schulte and it would have been nice if it could have been worked out at the meeting.

Councilmember Johnson asked how long had they lived in their home. Mr. Ziemer responded they have lived in their home four years.

Councilmember Johnson asked if they had ever introduced themselves to their neighbors. Mr. Ziemer responded the neighbors pretty much kept to themselves, but they had initially introduced themselves. He noted only once had Mr. Stodola said anything about the dogs barking and he took the dogs in right away. He indicated they had very small dogs and their waste was small, but they would be willing to pick it up now that they knew there was an issue.

Councilmember Johnson noted the Stodola’s bedroom window was by where they let their dogs out so he could understand why they would be upset. He indicated he would not support the appeal.

Councilmember Sanders stated he did not believe the multiple pet permit was the issue but rather the barking and he was not sure denial would be the right thing to do. He stated the neighbors should not have to worry about the barking dogs. He stated he would support a motion that said there was a time period and if the barking continued the issue would come back to Council if staff’s recommendation was not enforced.

Police Chief Wells recommended if there was an issue it could go back to the Multiple Pet Committee to revisit the issue and if there was still a problem, it could be appealed again at that time.

Mrs. Ziemer asked what a reasonable amount of noise was. She asked what a reasonable amount of barking was. Councilmember Klint stated the dogs should be brought in as soon as they start barking.

Mr. Ziemer stated he did not ignore their dogs barking and since Mr. Stodola had mentioned awhile ago about the dogs barking he was very aware of it.

Councilmember Sidoti stated the issue was when the dogs barked, such as after 10:00 p.m.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SCHULTE, TO APPROVE THE MULTIPLE PET PERMIT TO BE REVIEWED BY THE MULTIPLE PET COMMITTEE IN THREE MONTHS.

Councilmember Klint reiterated again to get out and know their neighbors as she believed things like this could get resolved much faster.

Councilmember Sanders did not believe this was a multiple pet issue but a barking issue and he asked what the resolution to that was. Mayor Howe noted if it was a barking issue the Police Department should be called.

Councilmember Johnson stated he agreed with Councilmember Sanders that this was a barking dog issue, and he would like to refer it back to the Committee and ask them to see if they could set up a mediation session to see if some resolution could be made. He recommended tabling this for a month. He indicated he was not in favor of this situation.

Mayor Howe believed the motion would resolve this issue and the Ziemers' would resolve the issue now that it has been brought to light. Mr. and Mrs. Ziemer responded they were willing to work on resolving the barking and odor issue.

THE MOTION PASSED 6-1, COUNCILMEMBER JOHNSON OPPOSED.

8. CONSIDER REQUEST TO ACCEPT PRIVATE STREET, CUL-DE-SAC, AND PARK AS PUBLIC, HOMES OF SHENANDOAH HOMEOWNERS ASSOCIATION

City Attorney Hiljus presented a memorandum to Council stating Shenandoah Single Family Homeowner's Association, Inc., (Shenandoah) has requested that this City accept their private street, cul-de-sac, and open space as public property. The City Council is asked to consider the request and provide staff guidance on whether to move forward.

Shenandoah is a common interest community consisting of 14 detached single family townhomes that was built around 2005. The Shenandoah project was approved by the City as a planned unit development. It appears from the Association article of incorporation and declaration of covenants, conditions and restrictions that the individual owners of the 14 units each own their respective lot and home. The Association owns and is responsible for maintenance of the street, cul-de-sac, open space and is responsible for the landscaping around each home. The association is also responsible for the maintenance of the driveways, including plowing and replacement of the driveways. In addition, there is an architectural committee that has the duty to control the aesthetic appearance of the overall development.

Shenandoah would like to dissolve their association and revert to a standard single family neighborhood. In order to do so their articles and covenants require that the common elements within the development be accepted as public by a government or other agency that would become responsible for them. Shenandoah has requested that the City accept these elements as public. City staff has looked at the development from an infrastructure standpoint and has begun considering the legal implications and political implications.

From an infrastructure standpoint the private street does not currently meet City standards for a public street. The street is currently constructed inside 35 feet of right of way and the paved surface of the street is 24 feet wide. Standard city streets are a minimum width of 31 feet. The street length is 420 feet ending in a cul-de-sac that is 112 feet side that includes an area for guest parking. The homes are set back approximately 25 feet from the street. The lot size range from 50 to 62 feet side by 100 to 125 feet deep. Standard city lots are a minimum of 80 feet side by 135 feet deep with a front yard setback of 35 feet.

From a legal perspective it appears that the Association is following their articles of incorporation and declaration of covenants. They seem to be proceeding properly under the Minnesota Common Interest Community Act. However, the infrastructure noted above does not meet certain city standard and in a standard single family residential neighborhood the homes would not be conforming from a setback and lot size requirement. These issues would need to be addressed if the Council wished to continue to work with the Association. Accepting the private amenities would require a written agreement that, for now, has not been drafted.

From a political standpoint the prospect of accepting responsibility of a private street, cul-de-sac and open space area could set a precedent for other requests being made. In this particular situation, though, the fact that the homes are single family detached units, each on its own lot may set this particular request apart from others, and as mentioned earlier, the street is in fairly new condition. Historically, the City has been very reluctant to take over private streets. The sole exception seems to be in the Thousand Oak development where the City accepted the private street in about 1975 while the project was still in the development stages. It is unclear from the public record the specific reasons why the City accepted the streets. It is important to note that each winter public works has to truck snow out of the development due to a lack of snow storage area.

City Attorney Hiljus noted there was no one in attendance from Shenandoah at this meeting and he recommended postponing this.

Mayor Howe asked why the Council would want to consider this request.

Councilmember Schulte stated this was an issue he did not want to get involved with. He believed there were many other homeowners' associations that would like to do the same thing, but he did not want the City taking on these responsibilities.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO DENY THE REQUEST TO ACCEPT THE PRIVATE STREET CUL-DE-SAC, AND OPEN SPACE AS PUBLIC PROPERTY. THE MOTION PASSED UNANIMOUSLY.

9. CONSIDER SITE LEASE AGREEMENTS WITH CLEARWIRE WIRELESS, LLC, AND AUTHORIZE EXECUTION

City Attorney Hiljus presented a memorandum to Council stating The City Council is asked to consider and approve three leases with Clearwire Wireless, LLC (Clearwire) for the placement of broadband internet antenna equipment on the City's water towers.

Clearwire Wireless, LLC is a provider of wireless broadband internet services. Clearwire is in the process of establishing a web of wireless broadband coverage in the Twin Cities metro area. They have extensive service areas in other major metropolitan areas. According to Clearwire's promotional materials their service provides the following benefit to consumers:

Clearwire uses a state-of-the-art wireless modem that can be plugged into a desktop computer, laptop, or local network. It works by transmitting signals to and from nearby cellular towers instead of using a traditional phone line.

That means you have the flexibility to set up the wireless modem and enjoy high speed wireless internet anywhere in your home or office — upstairs or downstairs, inside or outside. Plus, your Clearwire wireless broadband connection is always on and always secure.

Clearwire has received antenna permit approval from the City Council to place its wireless antenna equipment on the City's water towers subject to the negotiation of leases with the City. Attached is a copy of the lease between the City and Clearwire for the 13101 Hanson Boulevard location. Each lease contains the same essential terms as follows:

- Initial rent of \$22,100 per year (\$66,300 total) with 5% annual increases.
- Initial term of five years with rights by Clearwire to renew for up to three more five year terms (total potential of 20 years).
- Clearwire to pay for an interference study to ensure their signal and equipment do not interfere with other providers.
- Clearwire to pay taxes that result from their use of the tower.

The rental terms are consistent with other wireless providers that lease space on the City's water towers. Staff has also checked with other metro area cities that have either negotiated leases with Clearwire or are in the process of negotiating with Clearwire. Coon Rapids lease rates are consistent with the market for a City of our size and density and for the nature of the equipment being installed on the towers.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO APPROVE SITE LEASE AGREEMENTS WITH CLEARWIRE WIRELESS, LLC. AND AUTHORIZE THEIR IMMEDIATE EXECUTION CONDITIONED ON CLEARWIRE EXECUTING THE LEASE WITHIN 14 DAYS.

Steve Stahls, Clearwire, updated the Council on alternative sites.

THE MOTION PASSED UNANIMOUSLY.

10. TRALEE TERRACE APARTMENT REVENUE BONDS:
 - A. CONSIDER RESOLUTION 10-26 AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$4,000,000 SUBORDINATE MULTIFAMILY HOUSING REVENUE NOTES, SERIES 2010
 - B. CONSIDER RESOLUTION 10-27 AUTHORIZING THE ISSURANCE AND SALE OF VARIABLE RATE DEMAND BONDS, SERIES 2010

Finance Director Legg presented a memorandum to Council stating the City Council is requested to authorize the issuance of bonds for Tralee Terrace Apartments.

The City held a public hearing on December 1, 2009 when Dominion Development and Acquisition, LLC requested that the City act as issuer for tax-exempt bonds in an amount not to exceed \$8,000,000 funding the acquisition/rehabilitation of Tralee Terrace Apartments. If issued, the developer will rehab the complex for approximately \$15,000/unit, which could include siding, replacing windows along the railroad track side to reduce noise, repairs to the parking lot, installation of some new kitchen countertops, sinks and faucets, installation of some new bathroom vanity tops and fixtures as well as updating the common area with new carpet, paint and light fixtures. The total renovation would amount to \$1,091,400, which includes a 7% contingency. The balance of the bonds would finance the acquisition of the project by Dominion Development and Acquisition, LLC. The City is under no obligation for the repayment of these bonds.

Tralee Terrace is a complex of 68 apartments units built in 1993, which were income restricted to at or below 60% of Area Median Income for 30 years, or 2023. This restriction would continue for an additional fifteen years. If these bonds are authorized, the property will also qualify for \$2.6 million of tax credits, which will be sold to investors over time.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION 10-26 AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$4,000,000 SUBORDINATE MULTIFAMILY HOUSING REVENUE NOTES (TRALEE TERRACE APARTMENTS PROJECT), SERIES 2010 AND ADOPT RESOLUTION 10-27 AUTHORIZING THE ISSUANCE AND SALE OF VARIABLE RATE DEMAND BONDS (TRALEE TERRACE APARTMENTS PROJECT), SERIES 2010.

Councilmember Sanders stated he would not be voting in favor of this for the same reason as he noted last time.

THE MOTION PASSED 6-1, COUNCILMEMBER SANDERS OPPOSED.

11. 2010 STREET RECONSTRUCTION PROGRAM, VARIOUS RESIDENTIAL STREETS, PROJECT 10-1:
 - A. CONSIDER RESOLUTION ORDERING PREPARATION OF A FEASIBILITY REPORT

B. CONSIDER RESOLUTION ORDERING PREPARATION OF PLANS

City Engineer Vierzba presented a memorandum to Council stating the proposed 2010 Street Reconstruction Program includes several residential streets generally located in the central portion of the City. One area of street reconstruction is located in the general area of 121st Avenue and Hanson Boulevard and another area is generally located along or northerly of Coon Rapids Boulevard between Hanson Boulevard and Foley Boulevard. Council is requested to order preparation of a feasibility report and order preparation of plans.

In 1997, the City began a street reconstruction program that would continue into the future to keep the City's streets in an acceptable condition. Each year the City will propose to upgrade streets in need of repair. The City has been reconstructing streets generally located in the central/southerly part of the City in recent years. The streets proposed for reconstruction this year are 25-37 years old and are due for reconstruction. The total length is 6.1 miles. It is proposed to replace curb that needs replacing and to repave the street surfacing. As part of the project, boulevard tree trimming will take place this winter. The project will include replacement of old style fire hydrants and street sign replacement.

The City's policy provides for an assessment to the benefiting properties for a portion of the cost with the City paying a substantial share of the project cost. City staff is recommending the assessment rate for 2010 to be \$1,510 per home. Assessment rates and estimated project costs will be presented to Council as part of the feasibility report. Informational meetings for affected residents will be held by City staff prior to the required public hearings to be held by the City Council. All affected residents have been notified by letter of the proposed project. The first step in the project process is to order preparation of a feasibility report.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT RESOLUTION NO. 10-1(3) ORDERING PREPARATION OF A FEASIBILITY REPORT AND ADOPT RESOLUTION NO. 10-1(6) ORDERING PREPARATION OF PLANS.

Councilmember Johnson asked how the reconstruction of the service road would potentially impact any reconstruction on Coon Rapids Boulevard. City Engineer Vierzba responded the current plan showed the service road remaining in place.

Councilmember Schulte asked if businesses that abutted the properties were assessed. City Engineer Vierzba responded they were and those businesses were assessed twice the amount as residential properties.

Mayor Howe asked if the property owners had been notified. City Engineer Vierzba responded the property owners had been notified in writing and there would be a meeting and a public hearing this spring.

THE MOTION PASSED UNANIMOUSLY.

12. PROPOSED STREET RECONSTRUCTION, COLLECTOR STREET, SPRINGBROOK DRIVE NORTH OF 85TH AVENUE NW, PROJECT 09-6

- A. CONSIDER RESOLUTION ORDERING PREPARATION OF FEASIBILITY REPORT
 - B. CONSIDER RESOLUTION ORDERING PREPARATION OF PLANS
-

City Engineer Vierzba presented a memorandum to Council stating the City Engineering Division is recommending street reconstruction on Springbrook Drive, north of 85th Avenue, in 2010. Council is requested to order preparation of a feasibility report and preparation of plans.

Springbrook Drive, a collector street north of 85th Avenue, is 31 years old and is in need of repaving. Anoka County is proposing to reconstruct a portion of 85th Avenue in 2010 in the area of Springbrook Drive. The County project will include installation of new traffic signals at the intersection of 85th Avenue and Springbrook Drive, a centerline median on 85th Avenue with left-turn lanes for access to Springbrook Drive, and right-turn lanes. The City is proposing to continue with the street improvement on Springbrook Drive, north of the County project, for a distance of 1300 feet. Public sidewalk is proposed on the westerly side of the street. There are some properties to assess for the street improvement and State Aid funds can be used to pay for most of the cost. The first step in the project process is to order preparation of a feasibility report.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION NO. 09-6(3) ORDERING PREPARATION OF A FEASIBILITY REPORT AND ADOPT RESOLUTION NO. 09-6(6) ORDERING PREPARATION OF PLANS. THE MOTION PASSED UNANIMOUSLY.

- 13. PROPOSED STREET RECONSTRUCTION, COLLECTOR STREET, 127TH AVENUE NW TO 133RD AVENUE NW, PROJECT 09-38
 - A. CONSIDER RESOLUTION ORDERING PREPARATION OF FEASIBILITY REPORT
 - B. CONSIDER RESOLUTION ORDERING PREPARATION OF PLANS
-

City Engineer Vierzba presented a memorandum to Council stating the City Engineering Division is recommending street reconstruction on Shenandoah Boulevard in 2010. Council is requested to order preparation of a feasibility report and preparation of plans.

Shenandoah Boulevard, a collector street north of Main Street, is 25 years old and is in need of repaving. Anoka County is proposing to reconstruct a portion of Shenandoah Boulevard in 2010 as part of the Main Street reconstruction project. The County proposes to reconstruct the street from 124th Lane to 127th Avenue. The County project will include installation of new traffic signals at the intersection with Main Street, a centerline median with left-turn lane for access to 125th Lane, and public sidewalks on both sides of Shenandoah Boulevard. The City is proposing to continue with the street improvement, north of the County project, so that all of Shenandoah Boulevard, north of Main Street, will be upgraded in 2010. There are few properties to assess for the street improvement but State Aid funds can be used to pay for most of the cost. The first step in the project process is to order preparation of a feasibility report.

Mayor Howe asked if the County had agreed to do the project to 127th and if so why had they stopped there. City Engineer Vierzba responded the County had actually gone farther than they originally intended. He noted the City would have its own project north of 127th.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION NO. 09-38(3) ORDERING PREPARATION OF A FEASIBILITY REPORT AND ADOPT RESOLUTION NO. 09-38(6) ORDERING PREPARATION OF PLANS. THE MOTION PASSED UNANIMOUSLY.

14. CONSIDER TEMPORARY ON-SALE 3.2% MALT LIQUOR LICENSE FOR COON RAPIDS FIRE DEPARTMENT RELIEF ASSOCIATION AT JULY 4TH CARNIVAL

This item was removed from the agenda.

15. OTHER COUNCIL BUSINESS
A. SALT VS. SAND ROAD APPLICATIONS

Director of Public Services Gatlin presented a memorandum to Council stating at the January 4, 2010 Council meeting, Councilmember Johnson raised concerns about slippery road conditions. He suggested that staff evaluate salt vs. sand for road maintenance applications.

Approximately 10 years ago, street maintenance staff discontinued the use of sand. In previous years we picked up 3,500 to 4,000 cubic yards of sand each spring from our roadways. Much of the material was not able to be picked up and instead was deposited in our catch basins, storm sewers, ditches, and storm water ponds. At that time a decision was made to eliminate sand applications and go to a straight salt for snow and ice control.

Salt is only effective down to temperatures of approximately 15 degrees. During the Christmas holiday we received three consecutive days of snow. Public Works staff plowed the streets on those three consecutive days – December 24, 25, 26. On the 25th and 26th we received wet snow followed by rain and temperatures well above freezing. Immediately following the plow on Saturday, December 26, we started into an extended cold period with average daily highs in the single digits and overnight lows of -5 to -20 degrees. During this time we developed severe icing conditions and because of low temperatures, salt or liquid deicing chemicals were not effective.

During this period of time we received many complaints regarding slippery intersections. To respond to these complaints we began to apply excess sealcoat aggregate (chips) to intersections of residential intersections with higher type roadways and on sharp curves. We find this product to be very effective in providing grit to eliminate slippery conditions at intersections. The material is also much easier to pick up in the spring. As a result of its weight, it is not as easily washed into our storm sewer system as sand is.

At this point staff does not believe it is practical to consider going back to the use of sand for ice control. The current methods are much more effective, create less maintenance problems for the storm sewer system, and are much cheaper than picking up 3,500-4,000 cubic yards of sand each spring.

The weather forecast is for warmer conditions the week of January 11-16 and through the weekend as well. We anticipate the salt will now be much more effective in melting the ice conditions and the Streets Maintenance staff will be working to improve roadway conditions. However, it is probably not possible to expect a completely bare pavement on all residential streets for the duration of the winter.

The snow and ice control program is budgeted in the Streets Division Operating Budget.

This information is provided for informational purposes only. No further action is required.

B. WATERMAIN BREAK STATUS AT HANSON BOULEVARD AND COON RAPIDS BOULEVARD

Director of Public Services Gatlin presented a memorandum to Council stating on December 26, 2009, the City experienced a watermain break in the turn lane for westbound Coon Rapids Boulevard to turn northbound at Hanson Boulevard in front of Councilmember Schulte's service station. The break was found to be in the boulevard and was repaired expediently. Councilmember Schulte has questions regarding the break status and when repairs will be made.

The break was located and repaired in the boulevard of Coon Rapids Boulevard at the intersection of Hanson Boulevard. To make the repair it was necessary to remove a section of curb and a small section of pavement approximately 2-3 feet wide by 8-10 feet long. Because of winter conditions the pavement and curbing cannot be repaired until spring. Permanent repairs will be made in May of 2010. In the meantime the small hole will be monitored and cold mix patching provided to keep the hole from deteriorating.

Anoka County has required that the City place signs warning motorists of a bump. Two have been placed – one noting “Bump Ahead” and the other “Bump.” In addition, to avoid further damage by plows or drivers hitting the patch area, several cones and a barrel have been placed. These are intended to advise motorists of the location and keep plow operators from hitting the section of roadway where the curb has been removed. If this was not done while plowing the edge of the roadway, Anoka County plow drivers may hit the area without curb and do further damage to the curb or plowing equipment. At this time staff would prefer to leave all signs, cones and barrels in place until the permanent repairs can be made.

Repair for the watermain break will be funded from the Water Utility Operating Budget.

No further action is required on this item. It is being provided for informational purposes only.

C. SCHEDULE LOCAL BOARD OF APPEALS AND EQUALIZATION MEETING

A memorandum was presented from City Assessor Storla stating Anoka County is responsible for mailing the value and appeal notices for the 2010 Board of Appeals and Equalization. Therefore, Anoka County has each jurisdiction to select a date.

Each year the Board of Appeals and Equalization is held for those that believe their property value is too high or another property owner's value is too low. The date suggested for the 2010 Board of Appeals and Equalization is Tuesday, April 13, 2010 at 7:00 p.m. If this date is not acceptable, an alternate choice would be Monday, April 12, 2010 at 7:00 p.m.

Mayor Howe asked if they should hold the meeting on Monday with Tuesday as a backup. Finance Director Legg responded she felt that the City has gotten into a more stable area, and felt they had not received nearly as many calls this past year. Council set the 2010 Board of Appeals and Equalization meeting for Monday, April 12th at 7:00 p.m.

16. ADJOURN

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER LARSON, TO ADJOURN THE MEETING AT 9:25 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Joan A. Anderson, City Clerk