

COON RAPIDS CITY COUNCIL MEETING MINUTES OF OCTOBER 19, 2010

OPEN MIC/PUBLIC COMMENT

No one appeared.

CALL TO ORDER

The second regular meeting of the Coon Rapids City Council for the month of October was called to order by Mayor Tim Howe at 7:07 p.m. on Tuesday, October 19, 2010, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

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

Members Absent: None

1. ADOPT AGENDA

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

2. PROCLAMATION FOR YELLOW RIBBON COMMUNITY

Councilmember Sidoti indicated he has been working diligently for the City to become a Yellow Ribbon City and had been speaking with American Legion Commander Bruce Sanders along with Annette Keiper on how to bring the community together for this initiative.

Bruce Sanders commended the Council for taking on this project, stating it would be a valuable partnership taken on by the City to aid veterans, reservists, and their families.

Annette Keiper further explained the benefits of the Yellow Ribbon Program stating over 28 communities have joined the initiative, along with four companies. She indicated this program would unite residents and communities to serve families and veterans needs, while also showing support for their service.

Ms. Keiper explained that Minnesota reserve units are being deployed more than once due to their excellent military service. She reviewed the needs at a community level for service members and how Coon Rapids can assist by forming a steering committee. She thanked the Council for being willing to honor and support service men and woman, their families and veterans.

Mayor Howe read a proclamation declaring the City of Coon Rapids to be a Yellow Ribbon Community. He thanked Councilmember Sidoti for pursuing this initiative and providing a vision for the City.

Councilmember Sidoti indicated he was planning a "Tee it Up for the Troops" golf event in August of 2011 and all proceeds would be donated to service veterans.

Mayor Howe requested a motion from Council to proceed with the Yellow Ribbon initiative.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER NELSON, FOR THE CITY TO PROCEED WITH THE YELLOW RIBBON COMMUNITY INITIATIVE AND DIRECT STAFF TO BEGIN ORGANIZING A STEERING COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

3. CONSIDER APPROVAL OF MINUTES OF OCTOBER 5, 2010, COUNCIL MEETING

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE MINUTES OF THE OCTOBER 5, 2010, COUNCIL MEETING. THE MOTION PASSED 6-0-1, COUNCILMEMBER LARSON ABSTAINED.

4. CONSENT AGENDA:

- A. CONSIDER RESOLUTION 10-101 TO ACCEPT THE GRANT OF MONIES FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF TRAFFIC SAFETY, TO BE USED TOWARD THE ANOKA COUNTY DWI TASK FORCE
 - B. CONSIDER RESOLUTION 10-106 DECLARING A VACANCY AND APPOINTING A MEMBER TO THE PARKS AND RECREATION COMMISSION
 - C. AUTHORIZE FIRM FOR AUDIT OF FINANCIAL RECORDS FOR 2010 THROUGH 2012
 - D. CONSIDER RESOLUTION 10-103 AUTHORIZING THE CORRECTION OF THE \$3,795,000 SUBORDINATE MULTI-FAMILY HOUSING REVENUE NOTE (TRALEE TERRACE APARTMENTS PROJECT) SERIES 2010
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Regarding item (b), Councilmember Schulte thanked Peter Yelle for serving the City for over 20 years on the Parks and Recreation Commission, and welcomed Steven Head to Commission.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

5. OPEN MIC REPORTS:

A. ALAN WILLIAMS, 10744 YELLOW PINE STREET NW, RE: WATER TURN OFF IN SPRINKLED HOMES

Mayor Howe reviewed the Open Mic comments made by Alan Williams clarifying his September 21 question to Council stating that he was concerned about the City's liability if water was turned off to a structure which contained a sprinkler system and a fire started in the structure.

The City implemented a water turn-off program in 2008 to protect abandoned and unoccupied properties from water damage caused by frozen pipes following a series of such incidents the previous winter. If an event such as the one Mr. Williams inquired about were to occur, staff believes the City would not be liable for the fire damage to the structure as municipalities are broadly indemnified by State law in taking steps to protect the health, safety and welfare of the community.

6. KELLY LARSON/BRENT FLATIN RENTAL LICENSE: 11421 FLINTWOOD STREET NW
A. PUBLIC HEARING, 7:00 P.M.
B. CONSIDER REVOCATION OF RENTAL LICENSE #36008
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City Attorney Hiljus presented a memorandum requesting the City Council conduct a hearing pursuant to City Code Section 12-916(7) and consider revoking the rental license issued to Kelly Larson and Brent Flatin for the property located at 11421 Flintwood Street NW.

In August of 2009 rental licensing staff learned that the property at 11421 Flintwood Street NW was possibly a rental. Staff made contact with the owners Kelly Larson and Brent Flatin, who claimed that the property was not a rental property. In February of 2010 Staff again received information that the property was a rental and Coon Rapids Police Officer Toninato made contact with a prior renter who confirmed that the property was a rental property and that the owners did not live there. Staff again made contact with the owners and issued an administrative citation for operating a rental dwelling without a license.

Kelly Larson completed the rental license application process and was issued a rental license for the property on August 1, 2010. The license is good for one year. According to Anoka County property records, Ms. Larson continues to own the property with Brent Flatin but the property is in foreclosure. The foreclosure redemption period ends on January 22, 2011. If Ms. Larson and Mr. Flatin do not redeem the property by that date they will lose possession of the property.

During the time that the property has been identified as a rental property the Coon Rapids Police Department has had 19 separate contacts with the renters of the property according to the calls for service reports. The number of calls exceeds the "excessive calls for service" thresholds of the rental licensing code and policy. On August 4, 2010, Officer Toninato sent Ms. Larson a notice of the excessive calls and requested an action plan. Ms. Larson responded by letter dated August 10, 2010 that she had spoken to her tenants and that "if they continue to have police calls and those calls

exceed six in a six month period, they will be evicted...” Since that time the police have been called to the property three additional times. On September 16, 2010, rental licensing staff mailed Ms. Larson an administrative fine for the excessive calls. Ms. Larson has not responded since that time. Council is now asked, in addition, to revoke the rental license.

On a side note, the scenario presented by this situation is becoming more of a problem in Coon Rapids and in other cities in the state and nation. When an owner is losing a home to foreclosure there is lag time between the commencement of a foreclosure action and when the owner actually loses possession. This period is called “redemption” and during this time the owner cannot be forced from the property by the bank. Often times the redemption period can last several months or more. If the owner has another place to live and has no intention of redeeming, it becomes attractive to rent out the property. Renting enables the owner to earn income from the property while at the same time not making mortgage payments. At the end of the redemption period the owner then walks away and leaves the tenants as a problem for the City and the bank to deal with. During this time there is little incentive for the owner to responsibly manage the property or to pay fines that will end up being levied as an assessment against the property.

Staff has begun a review of the rental licensing code and process as a whole and expects to bring recommended changes to the Council by the end of the year. Staff will be researching options available to the City to deal with the above scenario as part of this process.

This item relates to the Housing/Neighborhoods and Public Safety sections of the City’s long term strategic vision in the following way:

The business of owning and renting out residential property in Coon Rapids comes with the responsibility to run the business in a manner that is respectful of neighbors and compliant with law. Those responsibilities include being truthful about the status of the property as a rental and being diligent in screening tenants and evicting them when they become a community problem.

Council is asked to consider revoking rental license #36008 for a minimum of one year and ordering that after one year no new rental license be granted to Kelly Larson or Brent Flatin unless and until they show evidence of completing additional landlord training and providing adequate proof to City Staff that they have proper measures in place to properly screen tenants and manage rental property. Staff would also like feedback/direction on how to deal with the above scenario from an administrative standpoint, including the possibility of reconsidering as an option an order of the Council that the landlord not collect rent until the tenants are evicted pursuant to the lease and the crime-free addendum.

Councilmember Nelson questioned what would happen if the license were revoked. City Attorney Hiljus indicated the tenants could not be evicted by the City, but the situation would have to be handled by the homeowners. The benefit would be that the homeowners would not be allowed to have any further rental licenses within the City.

Mayor Howe opened and closed the hearing at 7:40 p.m. since no one appeared to address the

Council.

Councilmember Schulte indicated the rental license ordinance was written for this reason. He thanked staff for working so diligently on this issue.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER KLINT, TO REVOKE RENTAL LICENSE #36008 FOR A MINIMUM OF ONE YEAR AND ORDERING THAT AFTER ONE YEAR NO NEW RENTAL LICENSE BE GRANTED TO KELLY LARSON OR BRENT FLATIN FOR THE PROPERTY AT 11421 FLINTWOOD STREET NW UNLESS THEY SHOW EVIDENCE OF COMPLETING ADDITIONAL LANDLORD TRAINING AND PROVIDING ADEQUATE PROOF TO CITY STAFF THAT THEY HAVE PROPER MEASURES IN PLACE TO PROPERLY SCREEN TENANTS AND MANAGE RENTAL PROPERTY. THE MOTION PASSED UNANIMOUSLY.

7. GREEN BAY PACKAGING, INC., 555 87TH LANE NW, VACATION OF DRAINAGE AND UTILITY EASEMENT:
 - A. PUBLIC HEARING, 7:00 P.M.
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City Attorney Hiljus presented a memorandum to Council stating on September 21, 2010, Council accepted a petition requesting the vacation of a utility easement submitted by Green Bay Packaging, Inc. for property located at 555 87th Lane NW and ordered a public hearing.

In 1996 Green Bay Packaging, Inc. granted the City an easement over portions of their property for utilities servicing their new building at that location. Green Bay Packaging is now planning an expansion of that facility and as a result a portion of the existing easement will have to be relocated. The Engineering Department suggests vacating the entire utility easement. Following the new construction of the facility and placement of the utility lines, a new legal description can be drafted for the location of the easement, executed, and recorded against the property.

A technical problem with the publication of the public hearing necessitates the hearing notice to be published again on the 15th and 22nd of October for hearing on November 3, 2010. Council is asked to open the public hearing this evening allowing anyone wishing to testify to do so without having to come back at a later date, but postpone any action to allow further public comment on November 3rd after the publication issue has been corrected.

This item relates to the Community Development/Redevelopment section of the City's long term strategic vision by encouraging private business to expand.

Mayor Howe opened and closed the public hearing at 7:43 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO REOPEN THE PUBLIC HEARING AT THE NOVEMBER 3, 2010 CITY COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

8. CONSIDER ADOPTION OF ORDINANCE AMENDING CITY CODE; REVISING TOBACCO DEFINITIONS AND INCREASING VIOLATION PENALTIES

City Clerk Anderson presented a memorandum requesting Council to adopt an ordinance revising tobacco definitions and increasing violation penalties.

The Tobacco Modernization and Compliance Act of 2010 expanded the definition of what is regulated as tobacco. Certain tobacco products have been added to the existing definition. An additional definition has been added which encompasses new products on the market, such as tobacco-laced mints and e-cigarettes, smokeless cigarettes that deliver nicotine through a mist.

Staff is also recommending an increase in the penalties for violations. Penalties had been increased in 2004 and were later returned to the current amounts following legislative changes. State law now sets minimum penalties and local jurisdictions may set stricter penalties if they choose. The proposed increases would be from \$75 for a first violation to \$250, from \$200 to \$500 for a second violation, and from \$250 and a suspension of not less than seven days for a third or subsequent offense within a 24 month period to \$2,500 and a seven day suspension.

Council introduced this ordinance on September 7th. All license holders were given the required 30 day notification of an amendment to tobacco regulations. No comments were received.

This item relates to Excellence in Governance by keeping the City Code current with state statutes, and working to reduce the availability of tobacco products to juveniles.

Mayor Howe questioned why changes were being made to this Ordinance again. City Clerk Anderson explained the State allowed for minimum fees and the City could now establish more strict fees or fines. She reviewed the amendments to the ordinance with the Council.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT AN ORDINANCE AMENDING CITY CODE; REVISING TOBACCO DEFINITIONS AND INCREASING VIOLATION PENALTIES. THE MOTION PASSED UNANIMOUSLY.

9. CONSIDER ADOPTION OF ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO PROVIDE CHANGES IN THE ZONING CLASSIFICATION FROM GENERAL COMMERCIAL TO PORT AND TO ELIMINATE THE PLANNED UNIT DEVELOPMENT DESIGNATION, COVENTRY SENIOR LIVING OF COON RAPIDS, 3707 ROUND LAKE BOULEVARD, PC 10-22

Planner Harlicker presented a memorandum to Council stating Coventry Senior Living of Coon Rapids is requesting approval of a zone change from General Commercial to PORT and to eliminate the PUD designation for property located at 3707 Coon Rapids Boulevard (Franks Nursery site).

The property is currently zoned General Commercial with a PUD Overlay and is located within the River Rapids Overlay District. In 2009 the City Council adopted its 2030 Comprehensive Land Use Plan, which guides future land use policies and decisions. On the previous plan this property had a land use designation of General Commercial; the current plan changed the land use designation to Commercial Mixed Use and future inclusion in Port Wellness.

The parcel was part of Reisling Park North PUD that includes the McKay auto dealership site, the bowling alley, the medical clinic and the apartments to the north. The Reisling Park North townhouses are also included in the PUD. The McKay auto dealership site and the bowling alley are the subject of a separate rezoning request. The current zoning status of the clinic and the residential sites will not be affected by this request.

In November 1981, the City Council approved the final PUD for Franks Nursery, 3707 Coon Rapids Boulevard. The business has been closed for several years.

The City has been approached regarding the possible redevelopment of the Franks Nursery property as a senior assisted living facility. To allow the redevelopment to move forward, the property owner has requested a rezoning to PORT and to eliminate the PUD designation.

In the 2030 Comprehensive Plan, the City identified this area for inclusion into Port Wellness. To implement this land use policy and to promote the orderly redevelopment these parcels, Port Wellness should be expanded to include this parcel. The rezoning will also encourage integration with the redevelopment of the adjacent McKay site.

In the 2030 Comprehensive Plan, the City identified this area for potential redevelopment. To achieve that goal, the Plan called for this area to be included in the PORT zoning district. For that redevelopment to occur, the PUD has to be removed. The PUD allows for specific uses; in order for the properties to be used as something other than those allowed in the PUD, the PUD designation has to be eliminated.

On October 5th the Council introduced the ordinance for the proposed zone change.

At the September 16th Planning Commission meeting public hearing, one resident spoke in favor of the proposed zone change. The Commission voted 6:0 to recommend approval of the zone change.

This item relates to the Community Development and Redevelopment section of the City's long term strategic vision in that the zone change will allow for the development of an underutilized site. This will help encourage the redevelopment that is consistent with Port Wellness.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SCHULTE, IN PLANNING CASE 10-21 TO ADOPT AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO PROVIDE CHANGES IN THE ZONING CLASSIFICATION FROM GENERAL COMMERCIAL TO PORT AND TO ELIMINATE THE PLANNED UNIT DEVELOPMENT DESIGNATION, COVENTRY SENIOR LIVING OF COON RAPIDS, 3707 ROUND LAKE BOULEVARD BASED ON THE FOLLOWING FINDINGS:

1. THE PROPOSED REZONING IS CONSISTENT WITH THE LAND USE DESIGNATION OF COMMERCIAL MIXED USE.
2. THE PROPOSED REZONING IS COMPATIBLE WITH THE ADJACENT LAND USE DESIGNATIONS AND LAND USES.
3. THE PROPOSED REZONING WOULD NOT HAVE AN ADVERSE IMPACT ON THE ADJACENT PROPERTIES.
4. THE PROPOSED REZONING IS CONSISTENT WITH THE CITY'S 2030 COMPREHENSIVE PLAN LAND USE POLICY OF EXPANDING THE PORT WELLNESS BOUNDARY TO INCLUDE PROPERTIES AT THE NORTHEAST CORNER OF COON RAPIDS BOULEVARD AND ROUND LAKE BOULEVARD.

THE MOTION PASSED UNANIMOUSLY.

10. CONSIDER ADOPTION OF ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO PROVIDE CHANGES IN THE ZONING CLASSIFICATION FROM GENERAL COMMERCIAL TO PORT AND TO ELIMINATE THE PLANNED UNIT DEVELOPMENT DESIGNATION, 3789 COON RAPIDS BOULEVARD AND 11707 ROUND LAKE BOULEVARD, PC 10-22
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Planner Harlicker presented a memorandum to Council stating the City is requesting approval of a zone change from General Commercial to PORT and elimination of the PUD designation for properties located at the northeast corner of Coon Rapids Boulevard and Round Lake Boulevard. These properties include the McKay auto dealership and Classic Bowl bowling alley.

On October 5th the Council introduced the ordinance for the proposed zone change. However, under separate discussion of the Preliminary Port Master Plan, Council questioned the possible impacts on the bowling alley being included in the PORT. Council was concerned that the rezoning and the Preliminary Port Master Plan would make the business non-conforming. Council asked the Planning Commission to review the bowling alley's inclusion in the PORT when it considers the Final Port Master Plan. Given this concern and the timing of the rezoning relative to the Master Plan, staff recommends the following:

- Remove the bowling alley from the rezoning proposal. The ordinance presented only rezones the former McKay property. The bowling alley retains its current General Commercial zoning and remain part of the Reisling Park North PUD.

- Review Master Plan. The Planning Commission will review the Final Port Master Plan, noting Council's comments, before forwarding a recommendation to the Council regarding the future zoning designation of the bowling alley and allowed uses in Port Wellness.

This item relates to the Community Development and Redevelopment section of the City's long term strategic vision in that the zone change will allow for the development of an underutilized site. This will help encourage redevelopment that is consistent with Port Wellness.

Councilmember Schulte questioned if staff received any feedback from the property owner regarding the zoning change and if they were notified of the proposed zone change. Community Development Director Nevinski stated the property owner was notified and staff has not had any communication recently but the potential rezoning had been discussed favorably in the past with the property owner.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER JOHNSON, IN PLANNING CASE 10-22 TO ADOPT AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO PROVIDE CHANGES IN THE ZONING CLASSIFICATION OF LOT B, REGISTERED LAND SURVEY 90 FROM GENERAL COMMERCIAL TO PORT AND TO ELIMINATE THE PLANNED UNIT DEVELOPMENT DESIGNATION, 3789 COON RAPIDS BOULEVARD, BASED ON THE FOLLOWING FINDINGS:

1. THE PROPOSED REZONING IS CONSISTENT WITH THE LAND USE DESIGNATION OF COMMERCIAL MIXED USE AND RESIDENTIAL MIXED USE.
2. THE PROPOSED REZONING IS COMPATIBLE WITH THE ADJACENT LAND USE DESIGNATIONS AND LAND USES.
3. THE PROPOSED REZONING WOULD NOT HAVE AN ADVERSE IMPACT ON THE ADJACENT PROPERTIES.
4. THE PROPOSED REZONING IS CONSISTENT WITH THE CITY'S 2030 COMPREHENSIVE PLAN LAND USE POLICY OF EXPANDING THE PORT WELLNESS BOUNDARY TO INCLUDE PROPERTIES AT THE NORTHEAST CORNER OF COON RAPIDS BOULEVARD AND ROUND LAKE BOULEVARD.

THE MOTION PASSED UNANIMOUSLY.

11. CONSIDER ADOPTION OF ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO PROVIDE CHANGES IN THE ZONING CLASSIFICATION FROM OFFICE TO PORT, CITY OF COON RAPIDS, 3750 COON RAPIDS BOULEVARD AND 3700 COON RAPIDS BOULEVARD, PC 10-26
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Planner Harlicker presented a memorandum to Council stating the City is requesting approval of a zone change from Office to PORT and for properties located at 3700 and 3750 Coon Rapids Boulevard.

The properties are currently zoned Office and are located within the River Rapids Overlay District. In 2009 the City Council adopted its 2030 Comprehensive Land Use Plan, which guides future land

use policies and decisions. On the previous plan these properties had a land use designation of Office; the current plan changed the land use designation to Commercial Mixed Use and future inclusion in Port Wellness.

The current zoning of Office is consistent with the previous Office land use designation. To make the zoning consistent with the current Commercial Mixed Use land use designation, the zoning of the subject parcels should be changed to PORT.

The current uses on the properties are offices and a church. The church is a conditional use in the Office district and is a conditional use in Port Wellness. The offices area permitted use in the Office district are a permitted use in Port Wellness.

In the 2030 Comprehensive Plan, the City identified this area for inclusion into Port Wellness. To implement this land use policy and to promote the orderly redevelopment these parcels, Port Wellness should be expanded to include these parcels. The rezoning will also encourage integration with the redevelopment goals of Port Wellness

On October 5th the Council introduced the ordinance for the proposed zone change.

At the September 16th Planning Commission meeting, one resident spoke at the public hearing. She wanted it noted that future development should be compatible with the adjacent residences. The Commission voted 6:0 to recommend approval of the zone change.

This item relates to the Community Development and Redevelopment section of the City's long term strategic vision in the following way:

- The zone change will allow for the development of an underutilized site. This will help encourage redevelopment that is consistent with Port Wellness.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT IN PLANNING CASE 10-26 AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO PROVIDE CHANGES IN THE ZONING CLASSIFICATION FROM OFFICE TO PORT, CITY OF COON RAPIDS, 3750 COON RAPIDS BOULEVARD AND 3700 COON RAPIDS BOULEVARD, BASED ON THE FOLLOWING FINDINGS:

1. THE PROPOSED REZONING IS CONSISTENT WITH THE LAND USE DESIGNATION OF COMMERCIAL MIXED USE.
2. THE PROPOSED REZONING IS COMPATIBLE WITH THE ADJACENT LAND USE DESIGNATIONS AND LAND USES.
3. THE PROPOSED REZONING WOULD NOT HAVE AN ADVERSE IMPACT ON THE ADJACENT PROPERTIES.
4. THE PROPOSED REZONING IS CONSISTENT WITH THE CITY'S 2030 COMPREHENSIVE PLAN LAND USE POLICY OF EXPANDING THE PORT WELLNESS BOUNDARY TO INCLUDE PROPERTIES AT THE SOUTHEAST CORNER OF COON RAPIDS BOULEVARD AND ROUND LAKE BOULEVARD.

THE MOTION PASSED UNANIMOUSLY.

12. KWIK TRIP, 9250 SPRINGBROOK DRIVE, PROJECT 09-36
 - A. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED
 - B. CONSIDER RESOLUTION ADOPTING ASSESSMENT
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City Engineer Vierzba presented a memorandum to Council stating Kwik Trip built a new gas station/convenience store which required extension of City watermain. The project was completed earlier this year and the City Engineering Division has prepared the proposed assessment of watermain costs. Council is requested to approve the assessment at this time.

The site plan for Kwik Trip was approved by Council last fall. Council ordered the project for necessary City watermain extension to serve the site on March 23, 2010. The watermain construction was completed in May. It is proposed to assess costs to the site over a 10-year period at an interest rate of 4.32%.

This item relates to the Development and Redevelopment section of the City's long term strategic vision in that the City's development is diversified and sustainable with a growing economic base that supports a high quality of life in neighborhoods and a strong progressive business sector.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT A RESOLUTION DECLARING COSTS TO BE ASSESSED OF \$61,263.95 AND A RESOLUTION ADOPTING THE ASSESSMENT. THE MOTION PASSED UNANIMOUSLY.

13. DRIVEWAY PAVING PROGRAM, PROJECT 10-6:
 - A. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED
 - B. CONSIDER RESOLUTION ADOPTING ASSESSMENT
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City Engineer Vierzba presented a memorandum to Council stating the Engineering Division has prepared the proposed assessment roll for the recently completed 2010 Driveway Paving Program. Council is requested to assess the costs at this time.

City Code requires that all residential driveways be paved. In 2003, the City proceeded with a driveway paving program (Project 02-34) and over 50 driveways were paved. Unpaved driveways still remain on some properties throughout the City. These homes are generally 50+ years old, built before the City required paved driveways as part of a building permit. The City sent informational letters to 56 property owners who were listed as not having a paved driveway. Owners were asked if they would be interested in being part of a City project whereby the City would contract for the paving work and all costs would be assessed to the owner's property over a five-year period. The City received responses from 23 owners who were interested in the program. City staff met with these owners at their home and prepared plans and cost estimates for the owners to review. The City sent waiver forms for owners to sign if they were still interested in moving forward with the plan to

pave their driveway. The City received 14 responses from owners who waived their right to a public hearing, agreed to be assessed, and gave permission for the City and City contractor to work on their property as needed to pave the driveway. Owners that did not sign the waiver form could not afford to proceed with the project.

Council ordered preparation of a feasibility report on February 16, 2010. On July 6, 2010, Council ordered the project and approved plans. Quotes were received and driveways were paved in August and September. Costs can now be assessed. One property owner has requested that he not be assessed as he will pay the costs directly to the City. All other properties would be assessed over a 5-year period with an interest rate of 3.14%. A public hearing is not needed as all of the property owners have signed a waiver of right to a public hearing.

This item relates to the "Community Development and Redevelopment" section of the City's long term strategic vision in that the City's development is diversified and sustainable with growing economic base that supports a high quality of life in neighborhoods and a strong progressive business sector.

Mayor Howe explained both bituminous and concrete options were available through the driveway paving program.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT A RESOLUTION DECLARING COSTS TO BE ASSESSED IN THE AMOUNT OF \$45,794.15 AND A RESOLUTION ADOPTING THE ASSESSMENT. THE MOTION PASSED UNANIMOUSLY.

14. CONSIDER RESOLUTION 10-105 SUPPORTING AN APPROACH TO THE MISSISSIPPI RIVER CRITICAL CORRIDOR RULEMAKING PROCESS THAT BALANCES THE PRESERVATION AND ENHANCEMENT OF THE ENVIRONMENTAL, CULTURAL, RECREATIONAL, AND ECONOMIC FUNCTIONS OF THE MISSISSIPPI RIVER

Community Development Director Nevinski presented a memorandum to Council stating the proposed resolution calls for the Department of Natural Resources (DNR) to take a balanced approach in the rules-making process for the Mississippi River Critical Corridor (MRCC) that considers the environmental, cultural, recreational, and economic characteristics of the river.

As Council is aware, the DNR has been charged by the 2009 Legislature to formulate State rules for the MRCC which was initially established in 1976. The rules-making process has generated considerable concern for municipalities and other units of government regarding potential conflicts of the rules with local land use and transportation plans, impacts on economic development goals, and mandates to conduct education and enforcement of the rules. Additionally, private stakeholders throughout the river corridor have expressed concerns over the potential rules regarding property rights, surface water use, economic and cultural impacts, and the future of structures such as the Coon Rapids Dam.

Many stakeholders have sent formal letters or resolutions to the DNR expressing their specific concerns with the draft standards published in August, or the rules-making process in general. The Cities of Anoka and Ramsey, as well as Anoka County have adopted and sent resolutions. Fridley, Dayton and Brooklyn Park intend to do so in October. The Hennepin and Anoka County Attorneys have sent a joint letter to the DNR expressing concern over the rules-making process. A private sector business group in St. Paul has sent a joint letter to the DNR expressing concern over economic development impacts of the rules and limitations on facilities that enhance access to the corridor for public recreation and enjoyment. Additionally, the DNR has received and shared less formal communications by governmental units and private sector entities regarding the proposed rules.

The resolution was prepared in draft by Metro Cities following meetings with the DNR and cities in the river corridor, including Minneapolis and St. Paul. The resolution calls for the DNR to balance the various interests within the corridor and to consider municipal plans and ordinances that apply in the corridor. Additional concerns and comments either specific to Coon Rapids, or identified in regional collaboration with our neighboring communities, have been added to the resolution.

This item relates to the Community Development and Redevelopment section of the City's strategic vision by promoting policies which facilitate a comprehensive approach to land use planning, economic development and redevelopment, and resource protection within Coon Rapids.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION 10-105, SUPPORTING AN APPROACH TO THE MISSISSIPPI RIVER CRITICAL CORRIDOR RULEMAKING PROCESSING THAT BALANCES THE PRESERVATION AND ENHANCEMENT OF THE ENVIRONMENTAL, CULTURAL, RECREATIONAL, AND ECONOMIC FUNCTIONS OF THE MISSISSIPPI RIVER. THE MOTION PASSED UNANIMOUSLY.

15. U.S. EPA GRANT FOR COMMUNITY WIDE ASSESSMENT OF HAZARDOUS SUBSTANCES AND PETROLEUM BROWNFIELD:
 - A. CONSIDER RESOLUTION 10-107 ACCEPTING GRANT
 - B. CONSIDER APPROVAL OF PROFESSIONAL ENGINEERING SERVICES AGREEMENT
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Public Services Director Gatlin presented a memorandum to Council stating in September we were officially notified by the U.S. EPA that we have received a \$400,000 U.S. EPA Brownfield Assessment Grant. It is necessary to officially accept the grant and select a consultant to provide services under the grant. Staff has completed a consultant selection process and action to approve a professional services agreement with Bonestroo is also required at this time.

Last June staff applied for a U.S. Environmental Protection Agency Brownfields Grant. The grant was in the total amount of \$400,000. A copy of the work plan which outlines various tasks to be performed under the grant was provided. Work includes the following tasks:

- Brownfields inventory
- Phase I environmental site assessments
- Phase II environmental site assessments, site investigations, and planning
- Community outreach and involvement

Each task is described in greater detail. Also provided was the cooperative agreement with the U.S. EPA. The cooperative agreement outlines the terms and conditions of the grant.

As part of the grant administration program, it is necessary to select a consultant to provide services required under the grant. Staff solicited and reviewed proposals from 11 environmental consulting firms. From that list of 11, three firms were selected for interviews. Staff interviewed three firms and recommended the firm of Bonestroo to provide professional services in implementing the U.S. EPA Brownfields Grant. The professional agreement between the City of Coon Rapids and Bonestroo was provided. The professional services agreement outlines the consultant services to be provided and the two appendixes provide the terms and conditions between the City and Bonestroo.

Staff believes that these grant funds can be used to help identify various brownfield sites throughout the City with special focus on the Coon Rapids Boulevard corridor. Immediately we will be able to use some of the grant funds for work on the future community center site including environmental site investigations for the Big Lots site and several of the smaller parcels along Coon Rapids Boulevard. Grant funds will also be eligible to help market the remediated sites to potential developers. This will be very beneficial in helping the Community Development Department more effectively market the remediated brownfields sites.

This item relates to the Community Development, Redevelopment section of the City's long term strategic vision by supporting the long term economic revitalization of the community through redevelopment of large and significant parcels and corridors.

The \$400,000 grant will be used to fund brownfield remediation investigations throughout the City of Coon Rapids. The grant is a 100% Federal EPA grant with no local match required.

Councilmember Johnson questioned what would happen to the surplus funds if not used for engineering and planning. Public Services Director Gatlin explained there was a three-year window to expend the grant funds and after that time any surplus would be returned. Grant funds could be used for marketing plans on the brownfield sites.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT RESOLUTION 10-107, ACCEPTING A GRANT FROM U.S. EPA IN THE AMOUNT OF \$400,000 FOR BROWNFIELD ASSESSMENTS AND APPROVE THE COOPERATIVE AGREEMENT BETWEEN THE CITY OF COON RAPIDS AND THE U.S. EPA. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER LARSON,

TO APPROVE THE PROFESSIONAL ENGINEERING SERVICES BETWEEN THE CITY OF COON RAPIDS AND BONESTROO FOR IMPLEMENTATION OF THE U.S. EPA GRANT FOR COMMUNITY WIDE ASSESSMENT OF HAZARDOUS SUBSTANCES AND PETROLEUM BROWNFIELDS AND AUTHORIZE EXECUTION OF THE PROFESSIONAL SERVICES AGREEMENT WITH BONESTROO BY APPROPRIATE CITY OFFICIALS. THE MOTION PASSED UNANIMOUSLY.

16. CONSIDER APPROVAL OF PLAN AND FUNDING FOR CRESCENT PONDS PARK IMPROVEMENTS, 124TH LANE NW WEST OF UNIVERSITY AVENUE; PROJECT 10-15
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Public Services Director Gatlin presented a memorandum to Council stating on August 4, 2010 Council took action to approve the plan for Crescent Ponds Park at 124th Lane NW west of University Avenue and authorized funding for construction of trails, paved basketball court surface, and a play structure this year. As part of the action, a motion was amended to approve the park plan pending the Parks and Recreation Commission review of the park layout. At its October meeting, the Parks and Recreation Commission took action to approve the plan but did not support installation of the play structure at this time. Further direction is requested by Council regarding this item.

A copy of the August 4, 2010, Council minutes were shared that address the plan approval and funding for the Crescent Ponds Park located at 124th Lane NW west of University Avenue. Council took action to approve the plan and authorized trail and basketball court paving improvements this fall along with the installation of the play structure. Accordingly, staff has solicited quotes from six vendors for installation of the play structure. Prior to proceeding with the play structure, the Parks and Recreation Commission were requested to review the plan and approve installation of paved trails, basketball court, and the play structure. The Commission took action at its October 4, 2010 meeting to approve the plan but only approved the paving items since they were to be constructed along with roadway paving. Paving of the park trails and basketball surface has now been completed along with roadway construction for the development. The Commission action was to review other park improvements for the Crescent Ponds Park in 2011 along with the remainder of the 2011 park capital improvement program.

Based on the Parks and Recreation Commission action, staff is seeking direction from Council regarding proceeding with the play structure. Staff believes the construction of the play structure will serve as an amenity to the development and will assist the developer in marketing homes within the project. However, the Parks and Recreation Commission felt that the play structure and other park improvements should be constructed according to a systematic park capital improvement program. The Commission also felt that past precedent has been that park dedication fees are not spent necessarily for a park within a new development, but are simply placed in the park improvement fund and programmed according to an approved park master plan. The Commission stated at its October 4, 2010 meeting that the \$160,000 in park dedication fees from this development could be better used to fund a new dog park.

Direction from the Council is sought as to how to proceed with the play structure. Because of the lateness of the year, it is probably not possible at this time to complete necessary concrete work to facilitate the play structure installation. If Council wishes to proceed with the play structure it would be installed in 2011.

This item relates to the open space/recreation section of the City's long term strategic vision by developing and implementing park improvements and capital improvement plan that enhances the City's comprehensive park system.

The total estimated budget for completion of the entire park master plan for Crescent Ponds Park is approximately \$125,000. The total park dedication fee received for the entire plat is estimated to be \$160,000.

Mayor Howe explained the recommendation from the Parks and Recreation Commission was to not proceed with this play structure. He questioned why staff was recommending the Council proceed. Public Services Director Gatlin noted the Parks and Recreation Commission did not support construction this year but instead for 2011. The Commission was not opposed to the plan altogether which left staff seeking direction from the Council at this time.

Mayor Howe said he was not in favor of proceeding with the play structure until the Parks and Recreation Commission provided further comment to the Council.

Councilmember Klint agreed.

Councilmember Johnson also agreed stating this was a philosophical issue as park dedication funds were to be used for park amenities but did not feel the Council should be told by a developer when and where these structures should be placed.

Councilmember Schulte thanked the Parks and Recreation Commission for making a recommendation to the Council. He said he felt the play structure would be a great amenity in the City that may assist with selling homes.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER LARSON, TO NOT APPROVE INSTALLATION OF THE PLAY STRUCTURE FOR CRESCENT PONDS PARK AND NOT AUTHORIZE ITS CONSTRUCTION IN THE SPRING OF 2011, BUT HAVE THIS PARK GO THROUGH THE NORMAL PARK APPROVAL PROCESS WITH THE PARKS AND RECREATION COMMISSION.

Councilmember Johnson requested park dedication funds be considered for a new dog park at Egret Boulevard near the single railroad tracks.

Mayor Howe asked that staff speak with Anoka County about a dog park near the compost site as well.

THE MOTION PASSED UNANIMOUSLY.

17. CONSIDER APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR PARK PLANNING SERVICES FOR RIVERVIEW PARK AND AUTHORIZE EXECUTION OF DOCUMENTS

Public Services Director Gatlin presented a memorandum to Council stating the 2011 budget for Fund 794, Park Improvement Fund, contains \$500,000 expenditure for reconstruction of Riverview Park. To proceed with this project in 2011 it is necessary to provide a park master plan. The master plan would develop a program for the reconstruction of Riverview Park and develop schematic concepts. A proposal has been received from Brauer & Associates to proceed with the work. Brauer & Associates is the park planning/landscape architecture firm that completed the park master plan in 2001 and provided similar planning services for other City park projects. Consideration for the proposal from Brauer & Associates is appropriate at this time.

The 2011 budget proposes a project to initiate reconstruction of Riverview Park. The original park master plan refers to the need to provide the following park amenities:

- paved parking lot (150-200 cars)
- concession/warming house building
- reconstruction/relocation of baseball fields
- access modifications
- major park landscaping
- installation of other recreation facilities including tennis courts, basketball court, and a children's play area
- new trail system loop through park

Consultant assistance is necessary to proceed with this project since staff does not have time or professional landscape/park planning expertise to complete this major project in-house. The proposal from Brauer outlines the scope of services proposed to be provided. If Council approves the professional services agreement, Brauer would begin working on the park master plan in November. The plan would be completed in early 2011 and would be available for presentation to the neighborhood at a series of meetings in early spring 2011. Because of the size and scope of the project, a complete reconstruction of Riverview Park would have to be done in two or three phases beginning in 2011. The master plan would provide guidance for development of the phased reconstruction program.

This item relates to the open space/recreation section of the City's long term strategic vision by developing and implementing a major park renovation and capital improvement plan that renovates and revitalizes the City's comprehensive park system.

The proposed fee for development of the park master plan is \$13,750. Funding for the consultant study would come from Fund 794, Park Improvement Fund. Funding for Riverview Park is budgeted

for 2011. If Council approves the professional services agreement, work would start on or about November 1 and the consultant would not bill the City for any services until after January, 2011.

Mayor Howe questioned if the park amenities expense included the relocation of the ball field. Public Services Director Gatlin indicated the plan would address the City fields along with the Little League fields. He stated the Parks and Recreation Commission has not had a chance to review recent plans.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER JOHNSON, TO APPROVE A PROFESSIONAL SERVICES AGREEMENT FOR PARK PLANNING SERVICES FOR RIVERVIEW PARK WITH BRAUER & ASSOCIATES AND AUTHORIZE EXECUTION OF THE AGREEMENT BY APPROPRIATE CITY OFFICIALS. THE MOTION PASSED UNANIMOUSLY.

18. OTHER COUNCIL BUSINESS:

A. TRAFFIC CONTROL AT COON RAPIDS BOULEVARD AND MISSISSIPPI BOULEVARD

Public Services Director Gatlin presented a memorandum to Council stating at the October 5, 2010, Council meeting, Councilmember Sidoti brought up a traffic control issue at the intersection of Coon Rapids Boulevard and Mississippi Boulevard. He requested follow-up action be taken regarding left turn signal timing issues.

Councilmember Sidoti's concerns had to do with left turns at the intersection of Mississippi Boulevard and Coon Rapids Boulevard. Traffic leaving the community college northbound on Mississippi Boulevard and wanting to make a left turn westbound onto Coon Rapids Boulevard, does not have adequate time with the existing cycle to make the turn. Vehicles sneak through on the red cycle causing potential accident conflicts with through traffic and other turning traffic at the intersection. Councilmember Sidoti requested staff investigate the situation.

The traffic signal at this intersection is owned and operated by Anoka County. We have passed along Councilmember Sidoti's concerns to the traffic engineering staff at Anoka County. They will investigate timing and the need for a left turn arrow and left turn phase for the current cycle. When we receive a response from Anoka County regarding their investigation, staff will provide additional information to Council.

This item relates to the transportation section of the City's long term strategic vision by providing an efficient and well maintained roadway system.

If modifications are necessary to the signal, the City would fund a portion of these modifications based on the current County cost participation policy for traffic signals.

Councilmember Sidoti expressed frustration that the City would have to cost share with the County

to resolve the issue as this was a County road, County light, and a State entity.

B. MOOR PARK CITIZEN FOLLOW UP

City Manager Fulton presented a memorandum to Council stating at the October 5, 2010, Council meeting, Mayor Howe asked about the status of citizen follow up from the Moor Park “Summer in the City” neighborhood meeting on September 14.

At the September 14 “Summer in the City” neighborhood meeting at Moor Park, a few residents completed comment cards requesting follow up information on miscellaneous topics relating to their neighborhood. Staff mailed letters to each of these residents thanking them for attending the meeting and stating that their questions had been forwarded to the appropriate staff member for further follow up. A sample of the letter was shared, and staff has followed up with those residents regarding their questions.

This item relates to the Housing/Neighborhoods section of the Strategic Vision by ensuring that neighborhoods are stable, safe, and connected and that residents are informed.

C. ASH TREE PRESERVATION

Public Services Director Gatlin presented a memorandum to Council stating at the October 5, 2010, meeting, Mayor Howe brought up the subject of the Ash Tree Preservation/Removal Program. He noted he had remembered reading an article in a Coon Rapids Herald publication regarding ash tree preservation. The article favored chemical injection to preserve the trees rather than removal. Mayor Howe recalled that the budget had some expenditures planned for 2011 to remove ash trees. He suggested this item be discussed at a future workshop.

The 2011 budget contains a proposed expenditure of \$50,000 for the removal of unhealthy ash trees. Staff recommended this item to begin the Emerald Ash Borer Control Program. Staff’s plan was to remove unhealthy trees not yet infected with the beetle but susceptible to future infestation. These trees would typically be those that have some sort of damage due to wind, insects, birds, etc. and would include trees on boulevards and other public property including parks and City building sites.

Parks staff has been attending seminars periodically for the past three years to stay current on the status of the Emerald Ash Borer infestation and proposed treatment techniques. At this time, within the tree care industry, it is felt that systematic removal of the trees is more cost effective than treatment. Chemical injection lasts 1-2 years and must be repeated on a regular basis to preserve the tree. Since there is no known cure for the Emerald Ash Borer infection, the chemical injection must continue indefinitely at a cost of approximately \$150.00/injection.

In the analysis staff assumed the cost to remove an average 18” diameter tree and replace the tree with a 1-2” diameter tree would be approximately \$550. This includes tree removal, stump grinding, and planting of a replacement tree. Based on this analysis, staff recommended removal versus treatment since after the third treatment application, it would be more expensive to continue to treat

the tree than it would be to remove the tree and provide a replacement.

This is the current program being implemented in the City of St. Paul where the disease has been detected. Other nearby suburban communities are planning a similar control program.

Mayor Howe suggested this item be discussed in greater detail at a future workshop. Staff agrees that this is an appropriate course of action and further discussion is certainly necessary.

This item relates to the Quality of Life section of the City's long term strategic vision by providing attractive neighborhood boulevard trees to improve the visual appearance of neighborhoods.

The 2011 budget currently contains \$50,000 for the Emerald Ash Borer Control Program.

Councilmember Johnson requested the Council discuss the replacement of the dog park at a future work session meeting.

Councilmember Klint noted several constituents have spoken to her about wild turkeys in the City and how they should be handled. She requested staff speak with the DNR on how to manage this situation.

Councilmember Schulte indicated a County commission candidate has illegally placed many campaign signs on public property. He was not sure how to enforce this issue but wanted it addressed.

Mayor Howe encouraged candidates to place their campaign signs properly as this was a growing concern.

Councilmember Johnson commended the Police Department and code enforcement officers for removing signs from public property where necessary.

19. ADJOURN

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO ADJOURN THE MEETING AT 8:27 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Joan A. Anderson, City Clerk