

## UNAPPROVED

### COON RAPIDS CITY COUNCIL MEETING MINUTES OF NOVEMBER 15, 2011

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#### OPEN MIC/PUBLIC COMMENT

Jerry Pierce, 12236 Partridge Street NW, shared his continued concerns on previously answered Open Mic issues and responses.

Joseph Murrell, 9950 Bluebird Street NW #110, shared concerns about the City's direction on job creation, Coon Rapids Boulevard deterioration, past developments, and the implementation of the prepay gas ordinance.

#### CALL TO ORDER

The second regular meeting of the Coon Rapids City Council for the month of November was called to order by Mayor Tim Howe at 7:00 p.m. on Tuesday, November 15, 2011, in the Council Chambers.

#### ROLL CALL

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

Members Absent: None

#### PLEDGE OF ALLEGIANCE TO THE FLAG

#### 1. ADOPT AGENDA

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MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER SCHULTE, TO ADOPT THE AGENDA AS AMENDED REMOVING ITEM 11B. THE MOTION PASSED UNANIMOUSLY.

#### 2. OATH OF OFFICE FOR FIREFIGHTER STEVE SZAFLARSKI

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Chief Piper introduced Steve Szaflarski to the Council and staff. Mayor Howe then administered the Oath of Office to firefighter Steve Szaflarski, and the Council welcomed Mr. Szaflarski to the City of Coon Rapids Fire Department.

#### 3. CONSIDER APPROVAL OF MINUTES OF NOVEMBER 1, 2011, CITY COUNCIL MEETING

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Councilmember Koch requested a change to the minutes on Item 4, indicating the motion should reflect it passed 6-0-1.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KOCH, FOR APPROVAL OF THE MINUTES OF THE NOVEMBER 1, 2011, COUNCIL MEETING AS CORRECTED.

THE MOTION PASSED UNANIMOUSLY.

4.      CONSENT AGENDA:
    - A.      CONSIDER RESOLUTION 11-118 APPROVING MNDOT AGREEMENT NO. 99884, APPOINTING MNDOT TO ACT AS AGENT OF THE CITY TO ACCEPT FEDERAL FUNDS FOR TRANSPORTATION PROJECTS
    - B.      APPROVE THE ISSUANCE OF A CLASS A ON-SALE, SUNDAY LIQUOR, AND TAVERN LICENSE, ENJOY THE SPICE, INC. DBA CITYSIDE BAR & GRILL, 133 COON RAPIDS BOULEVARD
    - C.      APPROVE TEMPORARY ON-SALE LIQUOR LICENSE FOR COON RAPIDS LIONS CLUB WINE TASTING EVENT
    - D.      APPROVE TEMPORARY ON-SALE LIQUOR LICENSE FOR THE CHURCH OF THE EPIPHANY CANA DINNER
    - E.      AUTHORIZE FINAL PAYMENT, PROJECT 08-20, BUNKER HILLS CLUBHOUSE, ELECTRICAL C-30
    - F.      CONSIDER RESOLUTION 11-121 REQUESTING NO CHANGE IN FISCAL DISPARITIES
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MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SCHULTE, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED.

Councilmember Johnson was pleased the building at 133 Coon Rapids Boulevard would be occupied again.

THE MOTION PASSED UNANIMOUSLY.

Mayor Howe welcomed Anoka County Commissioner Carol LeDoux to the Council meeting.

Anoka County Commissioner LeDoux discussed the fiscal disparities issues with the Council further. She explained this was the number one issue for the Board for the coming session. The tax levy for Anoka County was lowered by 7% which would offset some of the tax increases felt by homeowners. She indicated the County was working to find additional efficiencies and lower expenses. She further explained how the loss of the homestead value credit would affect the overall taxes for County residents.

5.      ECONOMIC DEVELOPMENT ASSISTANCE FOR ROUND LAKE SHOPPES, LLC, 33XX COON RAPIDS BOULEVARD:
  - A.      CLOSE PUBLIC HEARING

**B.      CONSIDER RESOLUTION 11-98 AUTHORIZING THE EXPENDITURE OF  
EXCESS TAX INCREMENTS FROM TAX INCREMENT FINANCING  
DISTRICT I-6 FOR REHABILITATION PROJECT**

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Mayor Howe and Councilmember Klint recused themselves from discussion on this item.

Community Development Specialist Brown presented a memorandum from Staff requesting the Council authorize the Economic Development Authority to expend excess tax increment funds, as authorized by the State of Minnesota's 2010 Jobs Bill, to provide economic development assistance to Round Lake Shoppes, LLC for rehabilitation of a commercial building at 33xx Coon Rapids Boulevard.

Gaughan Companies (Round Lake Shoppes, LLC) proposes rehabilitation of 13,266 square feet of office space at 3391-3397 Coon Rapids Boulevard within the Shoppes at Round Lake shopping center to accommodate a new tenant, Premier Disability Services, LLC, a law firm specializing in Social Security disability matters. The shopping center currently has a very high vacancy rate. The rehab work includes carpet, paint, code compliance correction, electrical work, plumbing work, ceiling tiles, removal of interior walls, creation of pass throughs, remodeling of restrooms, installation of windows, and adding a kitchen and break room. Premier Disability proposes using the space as an office and call center and will create at least 25 new jobs with a wage of at least \$12 per hour. At least 125 jobs currently located at 9145 Springbrook Drive will be relocated to the Coon Rapids Boulevard location. Premier Disability will enter into a lease with Round Lake Shoppes requiring creation of the jobs by December 31, 2012. Premier Disability will also agree to provide health insurance to all full-time employees by December 31, 2012.

Staff believes that this project is a good candidate for economic development assistance because:

- The project involves rehabilitation of a largely vacant and obsolete commercial building along the Coon Rapids Boulevard corridor, which is an identified redevelopment area.
- It involves exterior building and site improvements that will update the appearance of the corridor and demonstrate investment.
- It will create both permanent jobs and temporary construction jobs. It will also retain jobs in the City.

The projected cost of the tenant improvements is \$178,000. In order to facilitate the project, staff proposes a grant in the amount of \$100,000, funded by existing cash balances in TIF districts. As a condition of the financial assistance, the property owner will agree to complete exterior improvements to the entire shopping center, including removal of the fuel pump canopy, a new monument sign, additional landscaping and parking lot screening along Coon Rapids Boulevard (such as shrubs, boulders or limestone blocks, sections of wrought iron fence, ornamental trees), landscaping in parking lot islands, EIFS along the sign band, and addition of contemporary paint colors. Staff proposes an additional grant in the amount of 50% of the project cost, up to \$49,900 to assist with the exterior improvements.

In an effort to provide cities with an economic development stimulus tool, the 2010 Legislature

approved a temporary provision to TIF law allowing for the use of cash balances in TIF districts to be used for assistance to any project that creates jobs. The proposed grant to Round Lake Shoppes is an allowable expenditure under the Jobs Bill.

On August 16, the City Council adopted Resolution 11-51 modifying the budget of TIF district 1-6 to allow for up to \$3,000,000 in such expenditures. In order to expend these cash balances, the Council must hold a public hearing and consider a spending plan that specifically authorizes an authority, in this case the Economic Development Authority, to make the expenditure. Resolution 11-98 includes the spending plan and the authorization. The Economic Development Authority will consider the assistance package on November 15 immediately following the Council meeting. The Council opened a public hearing for this matter on September 20 and continued it on November 1.

Jerry Pierce, 12236 Partridge Street, requested the Councilmembers not interested in discussing this issue excuse themselves and leave the room. City Attorney Hiljus indicated neither Roberts Rules of Order nor State law requires the Councilmembers to leave the room. If the members have recused themselves on the issue, they cannot vote on the item or influence those voting. He explained the purpose of the action being taken this evening was to allow a full public disclosure for the action proposed for Round Lake Shoppes.

Mr. Pierce disagreed with the action being taken by the Council.

Mayor Howe and Councilmember Klint chose to leave the dais and Council Chambers at 7:40 p.m.

Mr. Pierce recalled an issue in the City of Mounds View when a Councilmember got too involved in contract. He did not recommend the Council get into the business of commercial development. Mayor Pro-Tem Schulte explained that the City would not be completing any of the commercial redevelopment, but was simply expending excess tax increments for the proposed project.

Phil Rosar, 10640 Mississippi Boulevard, questioned how the TIF dollars would be replenished. Mayor Pro-Tem Schulte described that pooled TIF dollars were being used based on a new State regulation and a TIF district was not being created for this site.

Mr. Rosar asked if another type of fund should be used other than TIF to assure that future projects have funding available. Mayor Pro-Tem Schulte indicated other funds sources were reviewed and this was the best fit. City Manager Fulton explained that State legislature allowed TIF funds to be used for this project due to the job creation.

Mayor Pro-Tem Schulte closed the public hearing at 7:25 p.m. since no one else appeared to address the Council.

**MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT RESOLUTION NO. 11-98 AUTHORIZING THE ECONOMIC DEVELOPMENT AUTHORITY TO EXPEND EXCESS TAX INCREMENTS IN THE FORM OF A GRANT TO ROUND LAKE SHOPPES, LLC IN THE AMOUNT OF \$149,900.**

Councilmember Larson questioned if the job creation numbers were accurate. Community Development Director Nevinski anticipated that 25 jobs would be created through the redevelopment with an average wage of \$12.00 per hour. This wage would increase over time.

Councilmember Sanders stated that while there may be other development projects beginning in the City, he felt this project was an excellent candidate for the TIF dollars. This shopping center was in desperate need of updating and would help to invigorate the Coon Rapids Boulevard corridor.

Councilmember Johnson indicated the rehabilitation project would allow the existing jobs to remain while adding new jobs. He discussed the success of the Goodwill building redevelopment and how this has affected that strip mall.

Councilmember Koch noted he used to manage this property. He was excited that the site was being revitalized and would bring jobs to the community while updating the corridor.

THE MOTION PASSED UNANIMOUSLY.

Mayor Howe and Councilmember Klint returned to the dais at 7:52 p.m.

6.      BRIDGESTONE RETAIL OPERATIONS, 11491 HANSON BOULEVARD:
    - A.      CONSIDER RESOLUTION 11-120 AMENDING THE COMPREHENSIVE PLAN, PC 11-24
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Planner Harlicker presented a memorandum to Council stating the applicant is requesting approval of an amendment to the City's Comprehensive Land Use Plan to change the land use designation from Community Commercial to General Commercial.

### **BACKGROUND**

The applicant is requesting a change to the land use designation from *Community Commercial* to *General Commercial*. The site is .92 acres with a 6,100 square foot building; the building is currently used as a tanning salon. The property is bounded by 115<sup>th</sup> Avenue on the north, Hanson Boulevard on the west, a retail strip center on the east and a convenience store on the south. The site has a shared right-in/right-out access with the convenience store from Hanson Boulevard and a full separate access from 115<sup>th</sup> Avenue. The property is about ¼ mile from the Hanson Boulevard/Highway 10 interchange.

### **ANALYSIS**

The stated intent of the *Community Commercial* land use designation is to provide for moderate intensity shopping centers and peripheral businesses serving wide areas of the city and having minimal detrimental influences on surrounding residential area.

The stated intent of the *General Commercial* designation is to provide a broad range of businesses, generally highway oriented, serving other businesses and City residents and requiring buffering from surrounding residential areas.

A land use designation of *General Commercial* would be buffered from residential areas by the adjacent properties that have land use designations of *Office* and *Community Commercial*. The proposed land use designation of *General Commercial* is consistent with the adjacent properties to the north that are also guided *General Commercial*.

The Hanson Boulevard/Highway 10 interchange provides nearby highway access. The *General Commercial* land use designation allows for uses that can best utilize that highway access. That interchange and the redevelopment of the nearby Village 10 shopping center has changed the character of the area such that *General Commercial* is an appropriate land use designation for this site

#### Planning Commission Meeting

At the Planning Commission meeting held on October 20<sup>th</sup> no one spoke at the public hearing. The Commission believed that the proposed *General Commercial* land use designation was appropriate because it is similar to the existing *Community Commercial* land use designation, reasonable for the site and a buffer would be maintained with the nearby residential uses.

**MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER SCHULTE, TO ADOPT RESOLUTION NO. 11-120 APPROVING THE PROPOSED LAND USE AMENDMENT BASED ON THE FOLLOWING FINDINGS:**

1. THE PROPOSED LAND USE AMENDMENT IS COMPATIBLE WITH THE SURROUNDING LAND USE DESIGNATIONS AND LAND USES.
2. THE PROPOSED LAND USE AMENDMENT WOULD NOT HAVE AN ADVERSE IMPACT ON THE AREA.
3. DEVELOPING THIS PARCEL AS *GENERAL COMMERCIAL* WOULD MAKE USE OF THE NEARBY HIGHWAY ACCESS.

Councilmember Johnson said he approved of the land use amendment as this was a better fit for the property given its access to the freeway.

Councilmember Schulte indicated it will be good to see a 10-bay service station at this location.

**THE MOTION PASSED UNANIMOUSLY.**

- B.      **CONSIDER ADOPTION OF ORDINANCE AMENDING THE ZONING MAP, PC 11-25**
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Planner Harlicker presented a memorandum to Council stating the applicant is requesting approval of

an ordinance rezoning certain property from *Community Commercial* to *General Commercial*.

**BACKGROUND**

The applicant is requesting a zone change from *Community Commercial* to *General Commercial*. The site is .92 acres with a 6,100 square foot building; the building is currently used as a tanning salon. The property is bounded by 115<sup>th</sup> Avenue on the north, Hanson Boulevard on the west, a retail strip center on the east and a convenience store on the south. The site has a shared right-in/right-out access with the convenience store from Hanson Boulevard and a full separate access from 115<sup>th</sup> Avenue. The property is about ¼ mile from the Hanson Boulevard/Highway 10 interchange.

**ANALYSIS**

When considering a request to rezone property, the Council should evaluate if there was some mistake in the original zoning, or if the character of the neighborhood has changed so that a reasonable use of the property cannot be made under the current zoning classification.

Reasonable Use of the Property

The reconstruction of the Highway 10 and Hanson Boulevard interchange as well as the redevelopment of the Village 10 shopping center has changed the character of the neighborhood. The existing structure on the site is aged and underutilized and does not meet current building codes. The rezoning of this site to *General Commercial* would allow it to be redeveloped at its full potential, maximize the use of the nearby highway interchange and provide an opportunity for uses that are consistent with and compliment nearby uses.

The proposed rezoning is also consistent with the proposed land use plan amendment to change the land use designation from *Community Commercial* to *General Commercial*.

The Council should also give consideration to the evaluation criteria found in Section 11- 307 when making their recommendation on rezoning requests.

Section 11-307 Criteria	Comments
Effect of public health, safety, order, convenience, and general welfare in the area.	<b>OK</b> - The proposed zoning will not adversely impact area. The property is adjacent to general commercial, community commercial and office land uses.
Effect on present and potential surrounding land uses.	<b>OK</b> – The proposed zoning will not adversely impact the surrounding residential land uses.

Conformance with the Comprehensive Land Use Plan.	<b>OK</b> – Assuming the proposed land use amendment is approved, the proposed zone change will be consistent with the City’s Comprehensive Land Use Plan. The proposed land use designation is General Commercial.
Conformance with any applicable development district.	<b>N/A</b> – There are is no applicable district plan in this area.

Planning Commission Meeting

At the Planning Commission meeting held on October 20<sup>th</sup> no one spoke at the public hearing. The Commission believed that the proposed *General Commercial* zoning was appropriate because it is similar to the existing *Community Commercial* zoning, reasonable for the site and a buffer would be maintained with the nearby residential uses.

This item was introduced at the November 1<sup>st</sup> City Council meeting.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT AN ORDINANCE APPROVING THE PROPOSED ZONE CHANGE BASED ON THE FOLLOWING FINDINGS:

1. THE PROPOSED REZONING IS COMPATIBLE WITH THE SURROUNDING ZONING AND LAND USES.
2. THE PROPOSED REZONING WOULD NOT HAVE AN ADVERSE IMPACT ON THE AREA.
3. DEVELOPING THIS PARCEL AS *GENERAL COMMERCIAL* WOULD MAKE USE OF THE NEARBY HIGHWAY ACCESS AND WOULD ALLOW THE SITE TO BE REDEVELOPED AT ITS FULL POTENTIAL.
4. THE PROPOSED REZONING IS CONSISTENT WITH THE PROPOSED LAND USE DESIGNATION OF *GENERAL COMMERCIAL*.

THE MOTION PASSED UNANIMOUSLY.

C.      CONSIDER APPEAL TO CONDITION #7 OF SITE PLAN APPROVAL, PC 11-26

Community Development Director Nevinski presented a memorandum to Council stating the applicant is appealing a condition of site plan approval granted by the Planning Commission in PC 11-26.

On October 20, 2011, the applicant was granted site plan approval for a Firestone Complete Auto Care Center. The approval included eight conditions. The applicant is appealing condition number seven. Condition seven reads: *If needed, a variance be granted for delivery vehicles backing into the site from 115<sup>th</sup> Avenue.* Attached are the draft minutes from the Commission’s October 20<sup>th</sup>

discussion.

The applicant proposed that delivery vehicles back into the loading area from 115<sup>th</sup> Avenue. Because of the constraints of the site plan, access limitations and the tight turning radii on the site, the only way tractor/trailers can access the loading area is by backing in from 115<sup>th</sup> Avenue.

City Code Section 11-1803 Access and Driveways, regulates access to loading areas and states that no loading space shall directly access a public street and loading spaces be designed so that vehicles entering or leaving must be traveling forward. The loading area does not directly access a public street; this activity will occur in the parking and driveway area of the site. However, the applicant proposed that some trucks accessing the loading area will have to back into site. The applicant is requesting the Council determine a variance to Section 11-1803 Access and Driveways is not needed because delivery truck ingress and egress from the site is an operational issue.

Variances are considered when the applicant is requesting relief from a specific dimensional requirement that affects the development of their parcel. There are two reasons a variance is not appropriate in this case: first, condition seven attempts to control an operational issue, which is not subject to relief via the variance procedure. Secondly, the action is proposed to take place in the public ROW which is not owned by the applicant. Therefore, the applicant does not have standing to request a variance.

Mayor Howe questioned if the requirement that trucks must be able to pull through a site unique to the City. Community Development Director Nevinski said he was uncertain but stated he could investigate this further.

Councilmember Schulte felt the truck movement through the property was an operational issue and a variance was not necessary. He noted Firestone would work through the access issues to assure that customer traffic was able to flow through the site.

**MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, TO MODIFY CONDITION SEVEN TO ALLOW DELIVERY TRUCKS TO BACK INTO THE LOADING AREA FROM 115<sup>TH</sup> AVENUE NO MORE THAN THREE TIMES PER WEEK.**

Councilmember Johnson asked if the deliveries would ever be higher than three times a week. Community Development Director Nevinski explained one delivery was being made each week by a semi with inventory, and a second truck was coming to the site for recycling of tires and batteries. The applicant was comfortable with the suggested number.

Councilmember Sanders was comfortable with staff's recommendation due to the fact the Police Department had reviewed the site plan for safety reasons.

**THE MOTION PASSED UNANIMOUSLY.**

7.      CONSIDER ADOPTION OF ORDINANCE AMENDING FENCING AND WALL REGULATIONS AND ACCESSORY USES IN LOW DENSITY RESIDENTIAL

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Planner Harlicker presented a memorandum to Council stating the City is requesting the approval of an ordinance amendment to amend the *Section 11-1852 Fences and Walls* and *Section 11-603 LDR1 Accessory Uses*. The amendment to Section 11-1852 will include additional design standards for fences and the amendment to Section 11-603 will establish setback requirements for dock storage.

Background

In researching a complaint regarding his neighbor's fence, staff identified areas of the current fence ordinance that should be amended. Staff identified the need to strengthen the sections of the code regarding fence materials, construction and maintenance. We also noticed that the code should be amended to include dock storage as an accessory use.

Staff is proposing to amend the fence code to include specific language to better control fence materials, construction and maintenance. The proposed changes to Section 11-1852 include tighter language regarding workmanship, language that requires consistent design and use of materials, and controls the use of temporary fences. Setback and height requirements are not proposed to be changed.

Fences will have to be constructed of similar material for a minimum run of 30 feet and the use of boards, planks and panels will be limited. Temporary fences will be defined and their use limited to 30 days unless approved by the City for good cause. Snow fences will be allowed between November 1<sup>st</sup> and April 15<sup>th</sup>.

To address dock storage, staff is proposing to allow dock storage as an accessory use in the LDR1 and LDR2 zoning districts provided it meets certain setback requirements.

Planning Commission Meeting

At the Planning Commission meeting held on October 20<sup>th</sup> no one spoke at the public hearing. The Commission revised the language to clarify when snow fences can be used, acceptable material for a temporary fence and the process for granting an exception to the dock storage requirements.

This item was introduced at the November 1<sup>st</sup> City Council meeting.

**MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT AN ORDINANCE APPROVING THE PROPOSED ORDINANCE AMENDMENT TO AMEND SECTION 11-1852 FENCES AND WALLS AND SECTION 11-603 LDR1 ACCESSORY USES.**

Councilmember Koch felt this solution may create future problems. He questioned if this has been a problem for the community. Mayor Howe explained a recent incident when a resident used a dock as a fence.

City Attorney Hiljus stated there has been a great deal of conversation on this issue. The discrepancy was whether or not a dock section could be used as fencing material. He noted neighboring communities' codes were reviewed to find a proper solution to this concern.

Councilmember Schulte questioned if the language should read the dock should be located between the body of water and the principal structure.

Councilmember Koch felt that the vast majority already confirm with the regulations and did not feel a change in the language was necessary.

Councilmember Johnson expressed no concern with the 50-foot standard. He requested that the dock sections be placed away from Mississippi Boulevard.

Councilmember Klint commented she felt the language covered both properties on the river and Crooked Lake.

Mayor Howe questioned if the changing water levels in the river would affect dock placements for those residents living on the river. Councilmember Koch stated there has been work done on the dam and the water level was currently down three feet.

THE MOTION PASSED 6-1, COUNCILMEMBER KOCH OPPOSED.

8.      **CONSIDER RESOLUTION 11-119 ADOPTING THE 2011 (3B) CONTESTED MISCELLANEOUS ASSESSMENTS (ONE YEAR)**

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Finance Director Legg presented a memorandum to Council stating the recommendations of the Board of Adjustment and Appeals on contested miscellaneous special assessments are referred to the City Council for adoption.

**DISCUSSION/SUMMARY**

As you know, after the assessment hearing on miscellaneous assessments was held on October 18, 2011, property owners who were objecting to their assessments were referred to the Board of Adjustment and Appeals for review at their meeting on November 3, 2011. Minutes from that meeting are attached. After the Board of Adjustment and Appeals heard objections on November 3, 2011, the following recommendations have been made (names in bold were in attendance, all others were not present):

**UNAPPROVED**

<b>Case #</b>	<b>Address/PIN#</b>	<b>Assessment(s)</b>	<b>Board of Adj. Recommendation</b>
11-72V	<b>Sheila Husom</b> 11280 Wren Street NW 16-31-24-41-0099	Citation Fee-Removal & Disposal-\$330.00 Removal & Disposal-\$486.00	Reduce Assessment to-\$420.00
11-73V	Cheryl Ambruse 12030 Jonquil Street NW 09-31-24-32-0053	Citation Fee-Mowing/Weed-\$330.00	Affirm Assessment-\$330.00
11-74V	Colleen Cook 845 117 <sup>th</sup> Lane NW 11-31-24-44-0036	Citation Fee-Mowing/Weed-\$330.00 Citation Fee-Removal & Disposal-\$330.00 Removal & Disposal-\$543.50	Affirm Assessments-\$1,203.50
11-75V	Crystal Beseke 45 106 <sup>th</sup> Avenue NW 24-31-24-14-0070	Citation Fee-Mowing/Weed-\$330.00	Remove Assessment-\$0.00
11-76V	<b>Richard Keller</b> 12467 Sycamore Street 11-31-24-11-0093	Citation Fee-Mowing/Weed-\$180.00	Affirm Assessments-\$180.00
11-77V	<b>MEI Brothers Company LLC(Hung Mei)</b> 11403 Foley Blvd. NW 13-31-24-13-0052	Citation Fee-Removal & Disposal-\$630.00 Removal & Disposal-\$276.00	Affirm Assessments-\$906.00
11-78V	<b>Angela Flores</b> 11339 Wren Street NW 16-31-24-14-0030	Citation Fee-Removal & Disposal-\$330.00 Removal & Disposal-\$351.00	Affirm Assessment-\$681.00
11-79V	Janice Kuehl 3155 113 <sup>th</sup> Avenue NW 16-31-24-23-0001	Securing Vacant Property-\$256.00 Citation Fee-Mowing/Weed-\$330.00	Affirm Assessment-\$586.00
11-80V	Khandra Ismail 12460 Sycamore Street NW 11-31-24-11-0087	Citation Fee-No Garbage Service-\$330.00 Citation Fee-No Garbage Service - \$330.00	Affirm Assessments-\$660.00.
11-81V	Peter Brook 11061 Foley Blvd. NW 13-31-24-43-0001	Citation Fee-Mowing/Weed-\$330.00	Affirm Assessments-\$330.00
11-82V	<b>Joseph Schimiedeberg</b> 11900 Magnolia Street NW 12-31-24-32-0054	Citation Fee-Parking off Pavement-\$330.00	Affirm Assessments-\$330.00
11-83V	Charles Reichow 10048 Butternut Street NW 25-31-24-11-0056	Citation Fee-Mowing/Weed-\$330.00	Affirm Assessment-\$180.00

An assessment fee of \$30.00 has been included in the totals in the Resolution.

City Attorney Hiljus reviewed the assessment appeal process in detail with the Council explaining that if residents wanted to take further action against the assessment the next step would be district court.

Councilmember Schulte questioned if the assessment for 11-83V should be \$330 or \$180. Community Development Director Nevinski explained the \$330 was a typographical error and the assessment should have read \$180.

Finance Director Legg indicated an updated Resolution 11-119(A) was available for approval.

**MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 11-119(A) ADOPTING 2011 (3B) MISCELLANEOUS SPECIAL ASSESSMENTS (CONTESTED MISCELLANEOUS ASSESSMENT – ONE YEAR). THE MOTION PASSED UNANIMOUSLY.**

**9.      APPROVE STREET LIGHTING PLAN FOR MAIN STREET UPGRADE, CRANE STREET TO UNIVERSITY AVENUE, PROJECT 09-33**

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City Engineer Vierzba presented a memorandum to Council stating Anoka County will be reconstructing Main Street over the next year from Crane Street to University Avenue within Coon Rapids. New street lighting is proposed to be installed by Connexus Energy at the City's cost as part of the construction. Council is requested to approve the plan to install 11 new street lights.

Council is aware of the of the County's plan to upgrade this portion of Main Street. City staff has discussed the need to have new street lighting installed in this area. Staff is recommending that the City contract with Connexus Energy to install new street lights as shown on the attached sketch plans.

The 11 proposed lights on Main Street would be "shoe box" style (blue color) as was approved by Council on Hanson Boulevard and also on the west part of Main Street in the past. Street lights are proposed on each side of Main Street as shown on the sketch map. Street lights are needed at the intersections with Olive Street and Flintwood Street. Street lights will also be located in the area of right-turn lanes at Crane Street, Avocet Street, Olive Street, Foley Boulevard, Flintwood Street, and University Avenue. Street lighting will be included as part of the new traffic signal systems at Avocet Street, Foley Boulevard, and at University Avenue. All old existing street lights will be removed by Connexus Energy as part of the construction.

**MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER LARSON, TO APPROVE THE PROPOSED PLAN FOR NEW STREET LIGHTS ON MAIN STREET EAST OF CRANE STREET. THE MOTION PASSED UNANIMOUSLY.**

10.      **AUTHORIZE APPROVAL OF CONTRACT WITH H-GAC AND PURCHASE OF  
AERIAL FIRE TRUCK**

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Finance Director Legg presented a memorandum to Council stating Staff is recommending the purchase of a replacement aerial fire truck through a contract for cooperative purchasing.

Staff is recommending the purchase of a 2012 Pierce Aerial Fire Truck with additional loose equipment by utilizing pricing from a cooperative purchasing contract with the Houston-Galveston Area Council (H-GAC) at a cost of \$1,032,958 before trade-in and discount to replace the current 1998 Pierce Aerial Fire Truck. Staff anticipates a trade-in offer of \$150,000 and a prepay discount option of \$15,303 bringing the net cost to \$867,655.

Equipment in the amount of \$32,475 is included in the price. This includes a Hurst tool, hose and nozzles, a camera, mechanic training and other smaller items.

The price for this vehicle comes from a September 2009 Request for Proposal executed by H-GAC and will expire on December 1, 2011. Thus, staff is requesting that the vehicle order be placed before December 1, 2011. The truck will be built and shipped within 7 to 8 months. Significant savings can be achieved by participating in the purchasing contract.

**MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SANDERS, TO AUTHORIZE THE CONTRACT WITH THE HOUSTON-GALVESTON AREA COUNCIL (HGAC); AND TO AUTHORIZE THE PURCHASE OF A REPLACEMENT AERIAL FIRE TRUCK AND LOOSE EQUIPMENT AT A NET AMOUNT OF \$867,655.**

Councilmember Johnson thanked the Fire Department for purchasing the truck in a consortium. He stated the City would greatly benefit from the cost savings.

Councilmember Klint questioned if this was a budgeted expense. Chief Piper stated the truck was budgeted for 2012 and would be delivered in mid-2012.

Mayor Howe asked if the new fire truck would have rust protection applied. Chief Piper assured the Council that the best rust protection would be applied to this vehicle.

Mayor Howe inquired if storing vehicles in a heated garage enhanced or sped up the rusting process for the City vehicles. Chief Piper stated that in his opinion this may speed the process.

Councilmember Schulte questioned if the City could receive a higher resale value on the open market than what was being offered for a trade in. Chief Piper stated the City would retain this right and would seek to sell the truck.

Councilmember Koch indicated the trade in value may be affected given the extent of the salt damage to the truck.

THE MOTION PASSED UNANIMOUSLY.

- 11. COON RAPIDS ICE CENTER:
    - A. CONSIDER RESOLUTION 11-113 ESTABLISHING FEES FOR PUBLIC RENTAL SPACES
- 

Public Services Director Gatlin presented a memorandum to Council stating at the July 19, 2011 and August 4, 2011 Council meetings, City Council adopted resolutions establishing rental fees for ice rental for the new Coon Rapids Ice Center. Additional action is needed to establish room rental rates for various rooms in the Ice Center.

The Coon Rapids Ice Center Manager, Craig Scott, has proposed room rental rates for the various rooms in the new Ice Center. A use policy for the Coon Rapids Ice Center will be considered at the December 6 Council meeting.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT RESOLUTION 11-113, ESTABLISHING ROOM RENTAL RATES FOR THE COON RAPIDS ICE CENTER.

Councilmember Johnson asked which groups were included in the public rental fee structure. Finance Director Legg stated this covered public entities.

Councilmember Sanders indicated the Graber skybox spelling was incorrect in the staff report.

Mayor Howe clarified that the rental rates for the Anoka-Hennepin School District would be covered through a separate contract.

THE MOTION PASSED UNANIMOUSLY.

- B. AUTHORIZE ICE ARENA CONTRACT WITH ANOKA-HENNEPIN SCHOOL DISTRICT
- 

This item was removed from the agenda.

- 12. COON RAPIDS CITY CENTER:
    - A. APPROVING THE POLICY FOR USE OF FACILITIES
    - B. CONSIDER RESOLUTION 11-122 ESTABLISHING ROOM RENTAL RATES
- 

Finance Director Legg presented a memorandum to Council stating staff is recommending the adoption of the Policy for Use of City Center Facilities. No rate increase is recommended.

The Civic Center is used for a number of events during the year including weddings, banquets, parties, athletic group functions, townhome association meetings, civic groups such as scouts, etc. In an effort to clarify and align the policy with the Ice Center Policy, the Civic Center Policy has been revised.

No significant changes have been made except that the Non-profit category has been combined with Resident. Other minor changes were made to clarify intent to allow for better consistency with enforcement.

Based on a review of rates, rates are being recommended to remain the same as the 2011 rates.

Finance Director Legg clarified that training room rental rates for Sunday should have each additional hour be \$10 and not \$40.

**MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER LARSON, TO APPROVE THE POLICY FOR USE OF CITY CENTER FACILITIES FOR THE COON RAPIDS CITY CENTER; AND ADOPT RESOLUTION 11-122 ESTABLISHING CERTAIN FEES AND CHARGES FOR USE. THE MOTION PASSED UNANIMOUSLY.**

13. 2012 FEE REVISIONS:
- A. CONSIDER INTRODUCTION OF ORDINANCE TO REVISE CERTAIN LICENSE FEES, SERVICE FEES, AND RELATED CHARGES
  - B. CONSIDER INTRODUCTION OF ORDINANCE ESTABLISHING PERMIT AND INSPECTION FEES FOR THE BUILDING INSPECTIONS DIVISION
  - C. SET A PUBLIC HEARING FOR DECEMBER 6, 2011, REGARDING FEE INCREASE FOR ON-SALE 3.2 MALT LIQUOR
- 

Manager of Accounting/Treasurer Vouk presented a memorandum to requesting the Council consider introducing Ordinances to adjust certain fees and building inspection fees for 2012.

The Ordinances include fees which are recommended for 2012. Fees set by resolution will be presented when these Ordinances are considered for adoption at the December 6, 2011 City Council meeting.

The fees for 2012 have been adjusted by the 2011 annual adjustment of 1.0% with exceptions noted below. A request for a rate changes is made only if the adjustment is enough for the fee to be rounded to the next significant dollar amount. Items to note are as follows:

**Ordinance Adjusting Certain Fees (see reference number in Ordinance)**

- (1) *Fees set by State Statute.* Certain fees under Section 5-209 (alcoholic beverages) and the gambling investigation fee under Section 5-2008 of the City Code are set by Minnesota Statutes and did not change for 2012.

- (2) *On-sale liquor license.* The on-sale liquor license was compared to the amount charged by other cities. Based on this review, staff determined that hit should remain at the current rate of \$9,350 for 2012.
- (3) *Waste and Recycling Hauler License Fees.* Based on a review of comparable cities, these fees were increased in 2008 from \$55 to \$140 for the first vehicle with each additional vehicle at \$25 each. It is recommended that these rates be increased to \$160 for the first vehicle and \$27 for each additional vehicle to reflect the percentage increase made to other fees since 2008.
- (4) *Property Monitoring Fees.* A property monitoring fee was approved by the City Council in 2006. The 2007 fees were set at \$600 per year for residential property and \$1,000 per year for commercial property to cover related costs. Staff recommends no change for 2012.
- (5) In certain cases there may be no change in the fee due to rounding. For example, the tobacco license investigation fee which is rounded to the nearest \$5 had a calculated base amount of \$119.41 in 2011 and was rounded to \$120. For 2012, the calculated base increased to \$120.60, which rounded to the nearest \$5 leaves the fee at \$120.
- (6) Staff recommends that certain other fees not be increased for 2012 if they are adequate to cover current costs, are seldom used and therefore difficult to establish a cost basis, and/or are comparable to rates charged by other cities.

Hearing no objections, Mayor Howe declared the ordinance to have been introduced.

#### Ordinance Adjusting Building Inspection Fees

Staff is recommending the following changes to the building inspections fee schedule for 2012:

- 1) The rates in Table A-2012 have been increased from \$4.75 per \$1,000 to \$5.25 per \$1,000 for valuation from \$500,001 to \$1,000,000 and from \$4.25 per \$1,000 to \$4.90 per \$1,000 for valuation from \$1,000,001 and up.
- 2) A fee has been added for a Loan Property Condition Inspection and Report in the amount of \$250.
- 3) The section on Sewer and Water Permit Fees now indicates that these fees will be calculated according to Table A-2012 with the exception of residential properties which will use flat rates as stated.

Other sections of the inspection fee schedule will be unchanged for 2012.

Councilmember Schulte said he did not oppose the fees, but suggested the Council discuss the permitting and inspections process further.

Mayor Howe agreed and requested staff bring back additional information on the permit fees charged by neighboring communities. He wanted to see the permits be more user friendly as the City was proposing a 10% increase in the fees.

Councilmember Koch was also interested in reviewing this issue further. Community Development Director Nevinski indicated staff would bring back more data for the Council to review.

Councilmember Johnson suggested Items 13A and 13C proceed. He indicated Item 13B could then be discussed further at a future work session.

Councilmember Schulte stated both ordinances could be introduced, but wanted to hold further discussion before action was taken by the Council.

Councilmember Klint asked Staff how the Council should proceed with these items. City Manager Fulton indicated it would be staff's intent to provide Council with the requested information and the Council could always table action at a future meeting.

Hearing no further objections, Mayor Howe declared the ordinance to have been introduced.

#### Public Hearing for 3.2 Malt Liquor Licenses

State law requires a public hearing on an increase to certain fees for the sale of alcoholic beverages. Fees used proposed to increase by \$10 for on-sale 3.2 malt liquor licenses. Council is asked to set a public hearing regarding this fee increase for December 6, 2011, at 7:00 p.m.

**MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO SET A PUBLIC HEARING FOR DECEMBER 6, 2011 AT 7:00 P.M. REGARDING THE FEE INCREASE FOR ON-SALE 3.2 MALT LIQUOR. THE MOTION PASSED UNANIMOUSLY.**

#### 14. OTHER COUNCIL BUSINESS A. SCHEDULE COUNCIL WORK SESSION

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City Manager Fulton presented a memorandum to Council seeking direction in schedule a work session to discuss or possible interview individuals for expiring terms on the Planning Commission and Board of Adjustment and Appeals.

The following Commissioners' terms are expiring December 31, 2011:

Board of Adjustment and Appeals  
Gary Wessling

Planning Commission

Jennifer Geisler  
Jonathan Lipinski  
Margaret Murphy

Staff has been and will continue to advertise all Commission openings through postings, CTN Studios, the City's webpage, FaceBook, Twitter, E-News, and the Coon Rapids Herald. Should Council wish to interview current or prospective Commissioners, staff suggests Tuesday, December 13, 2011 as a possibility.

Mayor Howe said he did not see a need to interview the candidates.

Councilmember Schulte said he was in favor of interviewing the candidates before making appointments.

Councilmember Klint agreed.

Councilmember Sanders indicated Mr. Lipinski was recently interviewed by the Council and did not feel the interviews were necessary.

Councilmember Klint stated the Council should open the field for additional applications before appointments were made to keep the process fair.

Councilmember Johnson explained the candidates may wish to have a discussion with the Council before being appointed.

Mayor Howe requested that recent applications for the Board of Adjustment and Appeals and the Planning Commission be forwarded to the Council for review prior to the interviews. City Clerk Sorensen stated she would forward this information as the City was still accepting applications.

The Council was in favor of proceeding with interviews of the candidates. These interviews would take place on Tuesday, December 13 at 6:00 p.m.

City Manager Fulton reminded the Council a Sustainability Commission meeting was scheduled for November 29.

Mayor Howe indicated the grand opening of the City's recycling building was held today at 3:00 p.m. He stated there was a great group of people gathered. He felt the City's recycling system was the envy of other cities the County.

Councilmember Johnson thanked staff for their great efforts in the recycling movement.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO ADJOURN THE MEETING AT 8:55 P.M. THE MOTION PASSED UNANIMOUSLY.

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Tim Howe, Mayor

ATTEST:

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Cathy Sorensen, City Clerk