

UNAPPROVED

COON RAPIDS CITY COUNCIL MEETING MINUTES OF MARCH 6, 2012

OPEN MIC/PUBLIC COMMENT

Jerry Pierce, 12236 Partridge Street NW, regarding continuing concerns about the automated doors at Bunker Hills Clubhouse and tribute for Father Reiser.

CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of March was called to order by Mayor Tim Howe at 7:00 p.m. on Tuesday, March 6, 2012, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Howe led the Council in the Pledge of Allegiance.

ROLL CALL

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

Members Absent: None

ADOPT AGENDA

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

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

FEBRUARY 21, 2012, COUNCIL MEETING

Councilmember Schulte requested a change on Page 5, under Old Business, suggesting the first sentence of Police Chief Wise's report be restated. Secondly, he requested clarification to the motion on Page 9 regarding the ordinance.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE MINUTES OF THE FEBRUARY 21, 2012, COUNCIL MEETING AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA/INFORMATIONAL BUSINESS

1. APPROVE AGREEMENT WITH PROPERTY OWNER AT 3044-109TH LANE, REGARDING SEWER SERVICE REPAIR
2. 2011-2012 INSURANCE RENEWALS

Councilmember Koch questioned if the property owner at 3044 109th Lane was responsible for the main line or the line leading to the home. Staff indicated the property owner was only responsible for the line leading to the home.

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

REPORTS ON PREVIOUS OPEN MIC

3. OPEN MIC REPORT – JERRY PIERCE, 12236 PARTRIDGE STREET NW

Mayor Howe presented a memorandum stating Jerry Pierce, 12236 Partridge Street, had appeared at Open Mic on February 21 with continuing concerns about the Mayor and City Manager and staff's interpretation of whether automatic doors were required at Bunker Hills Clubhouse.

This topic was brought up by Mr. Lewis Peterson at the October 18, 2011, Council meeting. Staff's response to Mr. Peterson's concerns was shared during the November 1 Council meeting. Mr. Pierce was present when the report was shared and staff had provided a copy of the report to Mr. Pierce as well. The Mayor clarified that the 2007 Minnesota State Building Code did not require ADA power operators to be installed on any of the doors at the Clubhouse but that the City chose to have them retrofitted when Mr. Peterson shared his concerns.

OLD BUSINESS

None.

NEW BUSINESS

4. CONSIDER APPEAL DECISION OF BOARD OF ADJUSTMENT AND APPEALS, SCOTT NELLIS, 10320 GROUSE STREET, CASE 12-01V

Assistant City Attorney Brodie presented a memorandum to Council stating property owner, Scott Nellis, is appealing a decision of the Board of Adjustment and Appeals upholding a Compliance

Order of the Chief Building Official that directed the residential structure at 10320 Grouse Street be posted Unfit for Human Habitation on January 17, 2012, unless certain corrective actions were taken. Mr. Nellis appealed the Compliance Order to the Board of Adjustment and Appeals, which upheld the Compliance Order of the Chief Building Official on February 2, 2012. Mr. Nellis is appealing the Board's decision. A copy of the property owner's appeal was shared.

The subject property is a split entry house with a two-car attached garage located in an area zoned Low Density Residential LDR-2. The structure, built in 1976, contains approximately 2,100 square feet of floor area (including unfinished lower level area) and an attached garage of 572 square feet.

On October 19, 2011, Leya Drabczak, Coon Rapids Housing Inspector, inspected the backyard of the subject property in response to a report that a large pile of wood shavings used for animal bedding was being disposed of in the back yard and that a foul smell was coming from the pile. During the inspection, Ms. Drabczak observed this condition in the back yard of the subject property. An internet search by Ms. Drabczak found a website operated by Mr. Nellis listing his snake breeding business. This complaint and inspection led to a request for an administrative search warrant to inspect the interior of the subject property.

On October 26, 2011, pursuant to the administrative search warrant, the subject property was inspected by: Leya Drabczak, Housing Inspector; Coon Rapids Police Department members Mike Plankers; Brad Johnson, Greg Koss and Desiree Toninato; Coon Rapids Fire Department members Nick House and Shannon Moen; and State Humane Society Officer Keith Streff.

Upon approaching and entering the dwelling, and throughout the search, inspectors detected a very strong smell of ammonia. Inspectors experienced burning of their eyes and throats due to the high level of ammonia and it became necessary for inspectors to wear masks for the remainder of the inspection.

Inspectors located a room on the ground (entryway) main level near the front door that housed approximately 80 snakes of various sizes and species. Cages had glass fronts with sliding doors and were stacked on top of one another from floor to ceiling. Cages were located around the perimeter of the room and an island of cages stacked from floor to ceiling was made in the center of the room. The walkways between the columns of cages were less than three feet in width. This arrangement of cages blocked full access to the window in this room therefore obstructing egress. The animals were very active and would strike at the glass as inspectors walked by. The room was dark and the light and ceiling fan could not be turned on because the cages were touching the fixture. Inspectors needed to use flashlights to see what snakes were in the cages. The animals would strike at the glass when lights were shined into their cages. The floor in this room and most floors throughout the dwelling were carpeted.

The lower level of the dwelling housed three separate areas of snakes and rats. One room, a bedroom of approximately 145 square feet, contained approximately 120 snakes in it of various species and sizes. There were various animals located in this room including hissing cockroaches, meal worms and various lizards. The cages were located around the perimeter of the room and stacked vertically

from floor to ceiling. The second bedroom on the lower level, containing approximately 102 square feet, housed snakes in cages stacked from floor to ceiling along all perimeter wall space.

The larger, unfinished area of the lower level, containing approximately 483 square feet, housed various large snakes and mice and rats in cages. The cages were stacked on top of one another from floor to ceiling. The mice and rats were housed on one side of the room and the snakes and reptiles along the other.

In the upper level living room, inspectors found three large aquariums containing lizards. The urine/feces smell in the upper level of the dwelling was as strong as in the lower and ground levels of the dwelling. Humane Society Officer Streff's report includes the following statement, "The interior of the home was fairly well kept but had a nearly overwhelming odor consistent with a musk common to the rodent and reptile family."

Inspectors estimated that there were approximately 300 snakes and 400 feeder rats and mice combined in the property. Photographs were taken on site, some of which are included in this report. The property owner did not have a current inventory list. He stated that there are too many animals to keep track of because he buys, sells, and breeds continually. The City does not have the resources necessary to catalog each animal found on site. In the photographs, each of the plastic bins stacked on top of one another houses snakes. Not all of the snakes are visible in the plastic containers in the photographs.

On February 15, 2012, Housing Inspector Leya Drabczak requested Mr. Nellis provide an inventory of the animals maintained in the dwelling to assist in this appeal. On February 22, 2012, Mr. Nellis provided an inventory listing 363 snakes, 61 lizards and approximately 321 rodents.

Coon Rapids Fire Department personnel conducted an inspection of the air quality in the subject dwelling. The dwelling contained a strong smell of urine and feces and a member of the North Metro Chemical Assessment Team was called to bring NH₃/Ammonia detectors to the scene. The doors of the dwelling had been left open in order to air out the air in the dwelling. Fire Department staff entered the dwelling with half face respirators. The North Metro Chemical Assessment Team found the level of NH₃/Ammonia to be 10 parts per million (ppm) on the upper level and 20 ppm in the lower level of the home. These reported levels of ammonia gas were elevated and higher than what is normally found in the habitable space of a typical dwelling. Prolonged exposure to high levels of ammonia may contribute to health issues of the occupants of the subject premises. According to Coon Rapids Fire Captain Tim Gilsrud, a typical residential dwelling, when tested for ammonia levels, registers a reading of zero or less than one ppm.

Also, on February 7, 2012, I accompanied Housing Inspector Leya Drabczak on a site visit of the subject property; we found squirrels leaving the attic space through a large hole in fascia. Although we were standing upwind from the structure, we could detect strong odors of ammonia and of the rodents. We also noted four 90-gallon trash containers located in front of the garage door. It is my determination that a residence like the subject dwelling is not designed to be used in the manner the property owner is currently using it as none of the rooms that housed the snakes and

other animals had either adequate sanitation or ventilation. For example, the floors were not made of a smooth, hard, nonabsorbent surface that extends upward onto the walls at least six inches. The walls adjacent to the cages also did not consist of a smooth, hard, nonabsorbent surface to the top of the cages.

It is also my determination that the mechanical (ventilation, furnace and air conditioning) systems in a typical residential dwelling are not designed to support the many rows of cages of animals that the subject dwelling contains. Houses in general are designed as a place where one lives - a residence. A dwelling is defined by the International Building Code as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A single-family dwelling is not designed with heating and ventilation systems meeting the needs associated with the keeping of snakes or the other animals as found in the subject dwelling. Windows may be used in houses to provide ventilation and houses use recirculation of air to conserve energy. Facilities designed for the keeping of animals are provided with 100 percent supply and exhaust in the ventilation systems with no recirculation of air to control the spread of disease. In this dwelling, inspectors noted the heating system had been modified by blocking system registers with rags in the ductwork. Officer Streff's report states that the "existing ventilation is inadequate and cannot sufficiently accommodate the number of animals currently confined to the residence."

Additionally, I find that there were an insufficient number of electrical receptacles (outlets) to serve the dwelling as evidenced by the extensive use of extension cords found in the dwelling. Extension cords shall not be used as a substitute for permanent wiring; extension cords and flexible cords shall not be affixed to structures; extended through walls, ceilings, floors; extended under doors or floor coverings; nor be subject to environmental damage or physical impact. A significant amount of receptacles are necessary to accommodate the heating elements in each cage. During the inspection of the dwelling, Mr. Nellis stated to Ms. Drabczak that "snakes, lizards and insects do not fare well in overly ventilated, drafty areas."

Under separate action, the property owner received Administrative Citation # 45839-19955 for the debris in the back yard, including animal feces and bedding. The property owner complied. Also under separate action, Administrative Citation # 45839-19945 has been issued for the removal of all snakes prohibited by City Code Chapter 6-500, Non-domestic Animals. Mr. Nellis has filed an appeal in that matter and it is being considered under a separate, administrative appeal action.

The conditions of the subject structure that led to the determination of the building being classified as Unfit for Human Habitation (City Code Section 12-313), and an Unsafe Building or Structure (Part 1300.0180 of the Minnesota State Building Code) and the issuance of the Compliance Order (City Code Section 12-315) include:

- Dwelling is not provided with the mechanical and ventilation systems needed to keep and care for the numerous snakes, lizards, rodents and insects present in the structure.
- The air contaminants are well above any acceptable limits.
- The wall and floors are not of smooth, hard, nonabsorbent surfaces needed to provide sanitary conditions.

- The overall excessive storage present in the structure creates a hazard for fire fighters and emergency responders during emergency operations.
- The windows that the fire department would use during emergency operations are blocked, limiting access into the dwelling.
- The use of extension cords is a noncompliant condition and whether energized or not, creates dangerous condition to human life and property. As used they pose both a shock and fire hazard when used as a substitute for the fixed wiring of a structure.
- Section 301.14 of the 2006 International Fuel Gas Code requires all buildings or structures and the walls enclosing habitable or occupiable rooms and spaces in which persons live, sleep or work, or in which feed, food or foodstuffs are stored, prepared, processed, served or sold, shall be constructed to protect against rodents in accordance with the Building Code.

Based on these conditions, staff issued a Compliance Order, dated November 30, 2011, ordering Mr. Nellis to correct certain conditions within 45 days. Failure to make the corrections would result in the posting of the structure as unfit for human habitation on January 17, 2012. The property owner was required to make the following corrections:

- Completely remove all the snakes, lizards, rodents and insects from the property.
- Remove all items related to the keeping of the snakes, lizards, rodents and insects, and waste and debris.
- Provide a satisfactory air quality report.

On December 5, 2011, Mr. Nellis appealed the Compliance Order. As a result, and because children or vulnerable adults reside in the dwelling, staff did not post the dwelling as uninhabitable. Additionally, staff concluded it was in the best interest of the animals to have a caretaker on site. Coon Rapids Fire Department placed this address on the Anoka County Dispatch list to use special care upon entering this home in the event of a fire or medical emergency.

The Board of Adjustment and Appeals considered Mr. Nellis' appeal on February 2, 2012. The Board upheld staff's decision. Copies of the staff report to the Board and the Board meeting minutes were shared. The staff report contains Mr. Nellis' original appeal of the Compliance Order. The minutes include written remarks Mr. Nellis presented to the Board.

Mr. Nellis appealed the decision of the Board of Adjustment and Appeals in this matter on February 6, 2012. An amendment or rejection of the Board's decision requires an affirmative vote of at least five members of the City Council.

Mayor Howe questioned how ammonia was being created within the home. Assistant City Attorney Brodie indicated ammonia was a by-product of the waste being generated by the snakes.

Councilmember Koch asked how the site could be brought into compliance. He said he could not find within the City Code a limit of snakes and rats within a residential home. Assistant City Attorney Brodie indicated the air quality and fire issues would have to be addressed. Staff believed the non-domestic pet ordinance would eliminate the boa constrictors and larger snakes within the home.

Mayor Howe inquired why such a large number of snakes and rats were located within the premises. Assistant City Attorney Brodie indicated he believed the homeowner enjoyed the snakes but also had business running out of his home, adding the rats were used to feed the snakes.

Councilmember Sanders questioned if the decision were to be overturned if the home would be found habitable for children. Assistant City Attorney Brodie stated there were health and safety concerns based on the air quality. He reiterated that the snakes were all caged and did not pose a threat to staff at any time during the inspections of the site.

Councilmember Schulte clarified that five affirmative votes from Council would be needed to overrule the Board of Adjustment and Appeals decision.

Scott Nellis, 10320 Grouse Street, presented the Council with a prepared statement. He noted his home thermostat was set at 70 degrees during the day and 68 degrees at night. He stated the cages in the basement had supplemental heat for the snakes. Mr. Nellis further addressed the heating concerns stating he did not feel his home was a fire risk.

Mr. Nellis discussed the four waste containers in the front of his house. He noted one was used for yard waste, one for recycling and the other two were used for waste. He explained he reviewed City Code prior to starting his business in 2007 and up until July of 2010 the species of snakes were not a concern. Mr. Nellis noted he had a separate appeal in with the City for this issue.

Mr. Nellis indicated he does not have any children living in the home and that he does not have any lizards. He reported that at this time he was only using two extension cords for additional power. He stated he was doing business from his home and sales took place at reptile expos. However, this was mostly being completed as a hobby.

Mr. Nellis explained his home has been found "not typical". He stated the main level of his home resembled a typical home but the basement was used for his hobby. He reported the ammonia smell found in his home by staff was higher than normally found due to his hectic work schedule. He apologized for letting this go and reported the rat cages were being kept clean.

Mr. Nellis thanked Councilmember Koch for visiting his home last week and for discussing his concerns. An issue raised was the air quality within the home. He stated an air purifier could be purchased for the basement but would cost roughly \$1,300. He did not feel the home's ammonia levels were consistent with the levels reported by staff. He concluded that he has been doing this for the last 15 years and had invested a lot of money in his business and did not want the snakes removed. He indicated his emotional well-being was being hindered due to the issues he was dealing with between himself and the City.

Mayor Howe questioned if any of the snakes were poisonous. Mr. Nellis reported he does not have any venomous snakes on site. He indicated PetCo sold python snakes and this matter should be addressed along with the sale of boa constrictors. He restated he did not house or sell venomous snakes.

Mayor Howe read the findings with regard to this case and asked how the Council would like to proceed.

Councilmember Koch said he understood there were a great number of snakes in this home. After visiting Mr. Nellis' home he found the site to be less offensive than other homes he has been in through his profession as a realtor. Councilmember Koch said he felt that the home was structurally compliant and that he found the snake cages to be well cared for. He felt there were other homes that had strong pet smells. He said he did not know what the right number of snakes should be but said he did not feel it was reasonable to require Mr. Nellis to remove all of the reptiles.

Councilmember Larson agreed with Councilmember Koch. She indicated she has had a pet snake in the past and currently has a pet rat. She recommended Mr. Nellis reduce the number of rats on site as this would reduce the ammonia odor. She stated there was a lot of reptiles in the home and recommended the home occupation issue be resolved.

Councilmember Klint agreed the reptiles were well cared for. However, the Council did not have expertise in this area and was relying on City staff for direction. She expressed concern on the number of animals and types of reptiles being housed within the home. Even if the home were to come into compliance, the homeowner was operating a business out of the home without a license.

Councilmember Koch reviewed the plans from Mr. Nellis and the location of the snakes in the basement. He said he did not object to the placement of the cages and felt there were no structural concerns within the home. He stated he spoke with both neighboring property owners and they do not object to the home business.

Councilmember Larson questioned if the number of rodents on site could be reduced given the number of snakes onsite. Mr. Nellis stated this was a concern. He reported he did have to increase the number of rats last summer and now had slightly more than needed. However, if his snake hatchlings survived, they would require live feed.

Councilmember Koch asked if it was possible for Mr. Nellis to sell down some of his inventory. Mr. Nellis stated he has been trying to accomplish this but that it is a difficult market at this time.

Councilmember Koch questioned if Mr. Nellis would be willing to take a loss on some of the sales in order to maintain his hobby out of his home. Mr. Nellis stated he would be willing to sell off 50-60 juvenile snakes.

Councilmember Sanders questioned if the home occupation violation should be further discussed. Mayor Howe stated the home occupation violation was a separate issue from the findings being considered this evening.

Mayor Howe indicated the overabundance of snakes in this home was his main concern. He read several findings for the record noting rodents were being prepared for food in this home. He understood that pets could be housed in a home within reason. However, the upkeep and feeding of

these reptiles was a concern. He stated he would not be satisfied with the sale of 50-60 snakes. He felt the number should be reduced to 10-12 total.

Councilmember Schulte indicated he had a lot of questions with the business being conducted out of the home and how the neighborhood was being affected by this property. He was pleased that Councilmember Koch visited the site. He indicated the Council was being asked to consider the findings before them this evening. He felt the air quality, fire safety and electrical issues were the main concerns as well as the egress and ingress for the Fire Department. He felt the extension cords could be removed, the air quality could be improved, and the aisle ways could be brought into compliance without shutting down the business entirely.

Assistant City Attorney Brodie stated the order as written requires Mr. Nellis to remove all of the snakes. He said he did not feel that 36 inch aisles alone would bring the site into compliance. He cautioned the Council from proceeding in this manner. He requested the Council uphold the appeal and allow the City to work with Mr. Nellis to bring the home into compliance.

Councilmember Sanders said he was in favor of bringing the site into compliance. He said he did not see enough information to overturn the expert information provided by staff this evening.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT THE FINDINGS AND UPHOLD THE BUILDING UNFIT FOR HUMAN HABITATION AND UNSAFE BUILDINGS OR STRUCTURES COMPLIANCE ORDER OF THE CHIEF BUILDING OFFICIAL DATED NOVEMBER 30, 2011.

Councilmember Johnson stated Mr. Nellis was extremely knowledgeable and cooperative. He thanked him for his handout this evening. He agreed the site needed to be brought into compliance and would support the recommendation provided by staff.

Councilmember Koch questioned what motion was being made at this time. He said he did not feel the motion was providing an opportunity for Mr. Nellis to bring the site into compliance without having to remove all of the reptiles.

Councilmember Schulte indicated the criteria from staff addressed the fire aisles, air quality and electrical issues. He stated another appeal will be brought to the City to address the number of snakes allowed within the home, while also having to address the home business.

Councilmember Sanders questioned if there was another way to make the motion without every animal being removed from the home. Assistant City Attorney Brodie indicated the Council could modify the appeal stating the home had to be made habitable, adding another option would be to table the item while directing staff to work further on a resolution with Mr. Nellis.

Mayor Howe inquired about the status of the other appeal items. Assistant City Attorney Brodie stated the other appeals were on hold at this time to allow the Council to consider the first appeal.

He said after this item had been addressed staff would proceed with the illegal snake issues. He added the home occupation issue has yet to be addressed by staff.

Councilmember Koch stated Mr. Nellis was very knowledgeable and has been extremely cooperative with the City. He felt Mr. Nellis would be reasonable to work with in order to bring the home into compliance.

Councilmember Schulte indicated the current motion was to uphold the findings and would require all of the reptiles to be removed from the home within 45 days. He said he no longer supported the motion.

Councilmember Sanders agreed and requested suggestions from the Council on how to proceed or amend the motion.

Mayor Howe stated the motion could be withdrawn.

Councilmember Klint suggested the motion be reworded to bring the home into compliance in the next 45 days versus removal of all reptiles in the next 45 days.

Councilmember Koch said he was unclear of what “compliance” would be and was in favor of Mr. Nellis being allowed additional time to address the issues with staff.

Mayor Howe read the compliance language provided by staff.

Councilmember Schulte suggested the motion be amended to remove enough snakes, lizards, rodents and insets from the property and related items for the keeping of snakes, lizards and rodents waste and debris from the property to provide a satisfactory air quality report; to provide proper access for the fire department with 36” in all aisle ways; and to eliminate all extension cords used as fixed wiring within 45 days.

Councilmember Sanders said the home has to be in compliance with regard to electrical codes.

Councilmember Larson indicated she would support the amended language.

Councilmember Johnson indicated there were several options at this time, one being to table the item while directing staff to work with Mr. Nellis. He said he felt the Council was becoming too detailed.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER LARSON, TO TABLE ACTION ON THIS ITEM DIRECTING STAFF TO WORK FURTHER WITH MR. NELLIS.

THE MOTION PASSED 4-3, COUNCILMEMBERS KLINT, SANDERS AND MAYOR HOWE OPPOSED.

Mayor Howe stated that because the item was tabled this would allow staff time to review all of the issues concerning the property. He suggested that staff review the occupancy and non-domestic animal code as well.

Councilmember Sanders felt this was a public safety issue and that a residential home should not be used for this type of activity. He recommended that Council and staff create a workable solution to assure this situation is addressed.

5. **CONSIDER RESOLUTION AUTHORIZING THE BUDGET, APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE VEHICLE STORAGE BUILDING, PROJECT 11-28**

Public Services Director Gatlin presented a memorandum to Council stating on December 6, 2011, Council approved the preliminary design for the proposed vehicle storage building and authorized the architect to proceed to complete the final design plans and construction specifications for the project. The project architect, Kodet Architects, has completed final plans and specifications for the building project. Consideration for approval of the plans and specifications, budget and authorization to place the advertisement for bids is requested at this time.

On December 6, 2011, Council discussed design alternatives for the new vehicle storage building. At that time, Council elected an alternative for the building design based on required space needs to meet current requirements. This design provides for a building of approximately 20,334 SF and parking for 54 vehicles. In addition, storage space is provided for police and fire needs. A small wash bay and mechanical room with an air compressor was included in the project design.

This vehicle storage facility will provide covered storage for police, fire, engineering, assessing and inspection vehicles currently parked outdoors. The facility will increase operational efficiency and protect the vehicles from the weather. Included for Council review is a proposed site plan showing the building layout, renderings showing the proposed building exterior appearance and an interior floor plan showing the proposed layout. The building is proposed to be located along the existing southeast corner of the current parking lot. One row of parking spaces will be eliminated and the building will be located on this portion of the site as shown.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SCHULTE, TO ADOPT RESOLUTION NO. 11-28(8) AUTHORIZING THE BUDGET, APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE VEHICLE STORAGE BUILDING. THE MOTION PASSED UNANIMOUSLY.

6. **CONSIDER RESOLUTION APPROVING PLANS AND ORDER ADVERTISEMENT FOR BIDS, BITUMINOUS STREET PATCHING REPAIRS, PROJECT 12-13**

City Engineer Vierzba presented a memorandum to Council stating each year the City contracts for

repair of streets throughout the City, primarily in the seal coat areas and watermain break areas. The City Engineering Division has prepared plans and specs for bituminous street patching including a mill/overlay on Coon Rapids Boulevard Extension. Council is requested to approve plans and order ad for bids at this time.

There are various types of repair work needed throughout the City each year consisting of concrete repair, bituminous street surfacing repair, and turf repair. In recent years, the City has advertised for bids for several repair contracts. This year, the City is proposing to get quotes for the smaller contracts for concrete and turf repair work and only bid out the large bituminous patching project. Large patching repairs include patching needed, primarily due to watermain breaks. This year's contract is proposed to include milling and overlay of the street surface on Coon Rapids Boulevard Extension, located off Coon Rapids Boulevard and near 99th Avenue. This street was built as a rural section over poor soils (without concrete curb in most portions of the road) and has a concrete surface under the bituminous surfacing. It is not practical to rebuild the street with concrete curb and gutter. Therefore, this road has been overlaid with bituminous surfacing in the past and is due for another mill/overlay.

A contract award is being scheduled for April 17th with work expected to begin by early-May depending on the contractor's schedule.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 12-13(8) APPROVING PLANS AND ORDERING ADVERTISEMENT FOR BIDS. THE MOTION PASSED UNANIMOUSLY.

7. CONSIDER RESOLUTION 12-44 AUTHORIZING STAFF TO SUBMIT APPLICATIONS FOR METROPOLITAN COUNCIL LIVABLE COMMUNITIES TRANSIT ORIENTED DEVELOPMENT GRANT FUNDS FOR PLANNING AND INFRASTRUCTURE PROJECT AT THE RIVERDALE AND FOLEY BOULEVARD TRANSIT STATIONS

Community Development Specialist Brown presented a memorandum requesting the Council consider a resolution approving the submission of Transit-Oriented Development (TOD) grant applications to the Metropolitan Council for planning and infrastructure projects at the Riverdale and Foley Boulevard transit stations.

The Metropolitan Council's Livable Communities Act (LCA) Transit Oriented Development (TOD) program is a new funding resource intended to help catalyze Transit Oriented Development in and around light rail transit, commuter rail, and high-frequency bus transit stations. The Met Council is currently considering its first round of funding applications for the program. The categories of funding include Pre-Development Grants and Development Grants. Pre-Development Grants are intended for applicants who are defining their project through such activities as design workshops, preparing redevelopment, corridor or station area plans, developing zoning and land use implementation tools such as overlay zones or zoning districts, or determining strategies for land banking and land acquisition. Development Grants are intended for applicants that are ready to

acquire sites and/or conduct site preparation activities or begin development or redevelopment and are ready to build the infrastructure necessary to support it. City Staff intends to submit two applications: one for a \$230,000 Development Grant to acquire property and construct a trail on the south side of the railroad tracks at Riverdale Station and one for a \$40,000 Pre-Development Grant to develop a land use plan for an area near the Foley Boulevard Park and Ride. Met Council staff has reviewed the City's preliminary applications and has determined that they are eligible for further consideration. Project details are as follows:

Riverdale Station South Trail Access

This proposed project involves providing pedestrian/bicycle access to Riverdale Station from the south, which will significantly expand access to the station. The proposed project includes construction of a 10-foot wide trail, acquisition of one single-family property to provide access to 121st Avenue near Wedgewood Drive, construction of a 6-foot high chain-link fence, removal of a portion of a concrete wall at the station platform, and construction of a culvert under a portion of the trail. It is currently not possible for pedestrians and bicyclists to access the Station from the south side of the railroad tracks, despite the presence of a pedestrian overpass. This limits access to neighborhoods on the north side of the tracks. The proposed project will significantly expand the service area of Riverdale Station by connecting it to residential areas and employment centers to the south. It will also encourage commuters to access the station on foot or by bicycle. Estimated project costs include: acquiring a single-family property (the exact house to be acquired has not yet been determined) (\$200,000), demolishing the structure (\$15,000), removing the existing concrete wall (\$700), removing the existing fence (\$1,000), constructing a new 6-foot fence (\$3,300), grading for trail/culvert (\$700), gravel base (\$1,875), bituminous trail surface (\$4,800), topsoil (\$1,400). Grant funds would cover all costs associated with the project, except for relocation, which is estimated to cost about \$20,000. HRA funds could cover this cost.

Foley Boulevard Station Area Planning

This project involves pre-development planning activities for the Foley Boulevard TOD Area, including land use planning, market analysis, pedestrian/bicycle infrastructure planning, future street planning, and creating a land acquisition and development staging plan. At present, the Foley Boulevard Station Area is generally an automobile-oriented environment with poor pedestrian connections, obsolete land uses, and low-density development. The City's Comprehensive Plan identifies the area as a potential TOD site and major employment district within the City. Both the City and Anoka County have begun land banking in the area. Upon completion of the TOD Project, it is envisioned that the TOD Area will be redeveloped as a transit-supportive employment district with multi-modal connections to the neighboring Evergreen Industrial Area and Northtown Mall employment centers. The TOD Project will also establish non-motorized connections to residential areas surrounding the TOD Area, including major redevelopment sites for high-density residential development. Project costs include: conducting design workshops for development alternatives (\$5,000), preparing station area/redevelopment plan (\$10,000), developing zoning implementation tools (\$5,000), analyzing alternatives for market/economic feasibility (\$10,000), creating a development staging plan (\$5,000), determining a strategy for land banking/acquisition (\$5,000). The

grant requires a City match of 20%, or \$10,000, which could be covered by HRA funds.

If the City is awarded funds for one or both of these projects, pre-development activities must be completed within two years and development activities must be completed within three years. In order for the Met Council to fully consider the applications, the Council must adopt Resolution 12-44, which authorizes submission of applications for the two projects.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT RESOLUTION NO. 12-44, AUTHORIZING STAFF TO SUBMIT ON BEHALF OF THE CITY APPLICATIONS FOR METROPOLITAN COUNCIL LIVABLE COMMUNITIES TOD GRANT FUNDS FOR THE TOD PROJECT COMPONENTS IDENTIFIED IN THE APPLICATIONS, AND TO EXECUTE SUCH AGREEMENTS AS MAY BE NECESSARY TO IMPLEMENT THE TOD PROJECTS ON BEHALF OF THE CITY.

Councilmember Klint indicated she had a resident question this item. She clarified that the City was not approving the item but merely applying for a grant.

Councilmember Schulte stated if the project does not make sense in the end the grant funds could be returned.

Councilmember Johnson requested a report from staff regarding status of the full access interchange at Foley Boulevard.

THE MOTION PASSED UNANIMOUSLY.

8. SECURITY CAMERAS AT THE WEST WATER TREATMENT PLANT
 - A. CONSIDER RESOLUTION 12-45 AMENDING THE 2012 BUDGET TO APPROPRIATE FUNDS FROM THE WATER FUND BALANCE
 - B. AUTHORIZE PURCHASE OF CAMERAS
-

Finance Director Legg presented a memorandum to Council stating Staff is requesting authorization to appropriate funds and purchase security cameras at the west water treatment plant.

As part of security measures for the west treatment facility, security cameras should be installed. A quote in the amount of \$13,367.85 tax included, was obtained from General Security Services Corporation for the purchase and installation of six cameras that will be connected to the City's current network, allowing video footage to be viewed remotely. General Security Services Corporation has installed all of the other cameras at Public Works. To ensure compatibility with the existing security camera system, staff is recommending awarding this project to General Security Services Corporation.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 12-45 AMENDING THE 2012 BUDGET TO

APPROPRIATE \$13,400 FROM THE WATER FUND BALANCE TO CAPITAL OUTLAY; AND AUTHORIZE THE STAFF TO PURCHASE THE CAMERAS AT A COST OF \$13,367.85 TAX INCLUDED.

Councilmember Koch questioned what the security cameras would be used for. Public Services Director Gatlin indicated the site has had some vandalism issues and that the access hatch has been breached. He noted the fence and door latch has been improved and the cameras would assist with increasing the security at this location.

THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

None.

ADJOURN

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER JOHNSON, TO ADJOURN THE MEETING AT 8:46 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Cathy Sorensen, City Clerk