



Council Work Session - 6:15 p.m.
HRA Meeting - Immediately Following Regular Meeting

CITY COUNCIL AGENDA

Tuesday, October 15, 2013

7:00 p.m.

Coon Rapids City Center

Council Chambers

Open Mic/Public Comment

Call to Order

Pledge of Allegiance

Roll Call

Adopt Agenda

Approval of Minutes of Previous Meeting

September 17, 2013, Work Session

October 1, 2013, Work Session

October 1, 2013, Regular Meeting

October 1, 2013, Executive Session

Consent Agenda

1. Accept Easement for Sidewalk, Drainage and Utility Purposes, National Mortgage Association, 396 107th Lane NW
2. Informational Item - Corporate Officer Change - Davanni's Pizza and Hot Hoagies 3430 - 129th Ave NW
3. Approve City Commitment to Coon Rapids Youth Hockey Association Entry Level Programs

Reports on Previous Open Mic

4. Open Mic Report - Katie Raeker, 10160 Raven Street NW, Concerns with New Dog Park

Public Hearing

None

Bid Openings and Contract Awards

None

Old Business

5. Parking Restrictions on Foley Boulevard, Between Highway 10 and Northdale Boulevard:
 - a. Cons. Adoption of Ordinance Restricting Parking
 - b. Cons. Resolution 13-92 Adoption of Ordinance Restricting Parking on Foley Boulevard Between Highway 10 and Northdale Boulevard

6. Cons. Adoption of an Ordinance Changing the Public Hearing Notice Requirements for Variances, Required City Council Votes on Appeals to Variance Decisions, and Added Regulations for Maintenance of Improvements, PC 13-18

New Business

7. Cons. Introduction of Ordinance Granting Utility Franchise to Connexus Energy

8. Cons. Introduction of Ordinance Revising Waste Collection and Recycling

Other Business

9. Other Business - Traffic Concerns on Foley Boulevard at 117th Avenue

Adjourn



City Council Regular

Meeting Date: 10/15/2013

SUBJECT: Approval of Minutes

Attachments

9-17-13 Executive Session

10-1-13 Work Session

10-1-13 Regular Meeting

10-1-13 Executive Session

UNAPPROVED

COON RAPIDS CITY COUNCIL EXECUTIVE WORK SESSION MINUTES OF
SEPTEMBER 17, 2013

MEMBERS PRESENT: Mayor Howe, Councilmembers Klint, Manning, Johnson, Koch, Sanders, and Wells

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Steve Gatlin, City Attorney Dave Brodie

1. CALL TO ORDER

Mayor Howe called the executive work session to order at 6:45 p.m.

2. ROLL CALL

All present.

3. LITIGATION/SETTLEMENT DISCUSSION – WEAVER/BUNKER HILLS
CORPORATION

City Attorney Dave Brodie and Attorney Pam VanderWiel provided an update on the Russ Weaver/Bunker Hills Corporation litigation and discussed potential resolution/trial strategy.

4. OTHER BUSINESS

There was no other business.

5. ADJOURN

Mayor Howe adjourned the executive session at 7:10 p.m.

Respectfully submitted,

Cathy Sorensen
City Clerk

UNAPPROVED

COON RAPIDS CITY COUNCIL WORK SESSION MINUTES OF OCTOBER 1, 2013

MEMBERS PRESENT: Mayor Howe, Councilmembers Klint, Manning, Johnson, Koch, Sanders, and Wells

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Steve Gatlin, Assistant City Manager Matt Stemwedel

1. CALL TO ORDER

Mayor Howe called the work session to order at 6:15 p.m.

2. ROLL CALL

All present.

3. TEEN CENTER DISCUSSION

City Manager Steve Gatlin shared that for the past several months, the City Council has been discussing the future of The Element Teen Center at Riverwind. After discussions with staff, Council determined that the Teen Center would remain open through December 20, 2013. City Manager Gatlin also shared that staff has met with School District officials to discuss the future of the Teen Center, use of funds provided by the City to Community Education, specific demographic data for exact participation in programs, and how other cities may have reduced funding for Community Education but still receive levels of program services similar to Coon Rapids students.

Relative to the Teen Center, several courses of action have been suggested:

- Short Term Operation - The Teen Center will remain open from October 1-December 20, 2013 using funds provided by the City of Coon Rapids. School District staff would staff the operation during this time period.
- Program Review - For the next 60-90 days, the School District will explore additional programs to expand Teen Center offerings involving youth. The intent would be to involve current users of the Teen Center in determining future direction for the Teen Center. The School District is interested in providing the maximum opportunity for youth, therefore, expanded programs in locations other than Riverwind may be the most feasible alternative.
- Riverwind Building Condition - Coon Rapids Building Department staff has begun review of the condition of Riverwind. During the next 60-90 days, we will complete an evaluation

of any necessary improvements and possible changes to bring the building to current code. We will also be receiving estimates of costs to repair items that need work. Staff intends to have a report by the end of the year relative to the future programs for the Teen Center and necessary improvements to the Teen Center Facility at Riverwind. Alternative programs suggested by the School District would also be part of the final analysis.

Appropriate for funding will continue for three months and will be considered part of the regular October 1, 2013 Council agenda. Staff will continue to work on program alternatives and future funding for the Teen Center.

4. OTHER BUSINESS

There was no other business.

5. ADJOURN

Mayor Howe adjourned the executive session at 6:55 p.m.

Respectfully submitted,

Cathy Sorensen
City Clerk

UNAPPROVED

COON RAPIDS CITY COUNCIL MEETING MINUTES OF OCTOBER 1, 2013

OPEN MIC/PUBLIC COMMENT

No one appeared.

CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of October was called to order by Mayor Tim Howe at 7:04 p.m. on Tuesday, October 1, 2013, 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, Ron Manning, Paul Johnson, Jerry Koch, Bruce Sanders and Steve Wells

Members Absent: None

ADOPT AGENDA

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

PROCLAMATIONS/PRESENTATIONS

1. PRESENTATION BY NORTHSTAR CORRIDOR DEVELOPMENT AUTHORITY CHAIR

Stearns County Commissioner Leigh Lenzmeier, Northstar Corridor Development Authority Chair, made a brief presentation to the Council regarding the Northstar Commuter Rail Authority. He discussed the recently completed Corridors of Opportunity Study.

Jill Brown, Northstar Corridor Development Authority, explained the vision for the corridor. She reviewed the train lines that were currently running through the Twin Cities metro area. She indicated the Northstar Corridor Development Authority was excited to see growth in transit use, for

both trains and buses. Ms. Brown commented that corridor cities were working to add housing along the train lines and this was contributing to growing ridership. She indicated mass transit was a growing trend for Millennial's.

Commissioner Lenzmeier discussed several special events planned for the metro area in 2014 noting the Twin's Opener would be April 7th and the Major League All Star Game would take place at Target Field on July 15th. He provided comment on the future plans for the Northern Lights Express and noted ridership would be key.

Mayor Howe thanked Commissioner Lenzmeier for the presentation and for providing the City with the Corridors of Opportunity Study.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

SEPTEMBER 17, 2013, COUNCIL MEETING
SEPTEMBER 24, 2013, WORK SESSION

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER MANNING, FOR APPROVAL OF THE MINUTES OF THE SEPTEMBER 17, 2013, COUNCIL MEETING. THE MOTION PASSED 6-0-1, COUNCILMEMBER JOHNSON ABSTAINED.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE MINUTES OF THE SEPTEMBER 24, 2013, WORK SESSION MEETING. THE MOTION PASSED 6-0-1, COUNCILMEMBER KLINT ABSTAINED.

CONSENT AGENDA/INFORMATIONAL BUSINESS

2. APPROVE PROFESSIONAL SERVICES AGREEMENT WITH HOISINGTON KOEGLER GROUP, INC. FOR FOLEY BOULEVARD STATION AREA PLANNING
 3. CONSIDER RESOLUTION 13-91 CERTIFYING DELINQUENT UTILITIES TO TAXES
 4. AUTHORIZE FINAL PAYMENTS, PROJECT 12-23, BUNKER HILLS PRACTICE FACILITY
 5. APPROVE JOINT POWERS AGREEMENT WITH ANOKA COUNTY FOR 2013 TRAFFIC SIGNAL PAINTING
 6. CONSIDER WAIVER OF LICENSE FEE TO OPERATE CHRISTMAS TREE LOT, BOY SCOUT TROOP 212
 7. 2013 GENERAL ELECTION:
 - A. APPROVE APPOINTMENT OF ELECTION JUDGES
 - B. AUTHORIZE CITY CLERK TO APPOINT AND ASSIGN ADDITIONAL ELECTION JUDGES AS NECESSARY
 - C. SCHEDULE CANVASS MEETING
-

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER

JOHNSON, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED.

Councilmember Koch requested an update on the Bunker Hills practice facility. Golf Director Anderson explained the practice facility grass was growing well and the golfTec building was complete. He indicated the driving range would be open this fall and the putting green would be ready next spring.

THE MOTION PASSED UNANIMOUSLY.

REPORTS ON PREVIOUS OPEN MIC

8. OPEN MIC REPORT – KATIE RAEKER – 10160 RAVEN STREET NW – RE: STATUS OF NEW DOG PARK

Mayor Howe discussed Ms. Raeker’s comments made during Open Mic at the September 17, 2013 Council meeting regarding the new dog park. City Manager Gatlin explained that the City of Andover would be mowing a trail through the park, Anoka would be addressing the fencing, and Coon Rapids was working on the vegetation.

9. OPEN MIC REPORT – TEEN CENTER

Mayor Howe discussed the comments made during Open Mic at the September 17, 2013 Council meeting regarding the River Wind Teen Center. He explained the Council met in work session prior to this meeting to discuss the Teen Center and their plan to reopen it through 2013.

PUBLIC HEARING

10. WISCONSIN HEALTH AND EDUCATIONAL FACILITIES AUTHORITY BOND ISSUE, BETHESDA LUTHERAN COMMUNITIES, PUBLIC HEARING 7:00 P.M.

The staff report was shared with Council.

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

OLD BUSINESS

None.

NEW BUSINESS

11. APPROVE PRELIMINARY AND FINAL PLAT FOR RIVER VIEW FARMS PLAT 3, ALLINA HEALTH SYSTEMS, COON RAPIDS BOULEVARD AND BLACKFOOT STREET, PC 13-21
-

The staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLING, TO APPROVE THE PRELIMINARY AND FINAL PLAT FOR RIVER VIEW FARMS PLAT 3 WITH THE FOLLOWING CONDITIONS:

1. ALL COMMENTS OF THE CITY ENGINEER BE ADDRESSED.
2. ALL COMMENTS OF ANOKA COUNTY HIGHWAY DEPARTMENT BE ADDRESSED.

THE MOTION PASSED UNANIMOUSLY.

12. APPROVE SITE PLAN FOR MOTHER BABY CENTER ADDITION, MERCY HOSPITAL, PC 13-20
-

The staff report was shared with Council.

Councilmember Johnson said he was pleased with the growing expansions taking place at the hospital along with the investment that would be made in the community.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER WELLS, TO APPROVE OF THE PROPOSED MOTHER BABY CENTER ADDITION FOR MERCY HOSPITAL WITH THE FOLLOWING CONDITIONS:

1. ALL COMMENTS OF THE CITY ENGINEER BE ADDRESSED.
2. SEATING AREAS, BIKE RACK AND TRASH RECEPTACLE BE INCORPORATED NEAR THE ENTRANCE.
3. ALL LANDSCAPING AREAS MUST BE IRRIGATED.
4. THE PROPERTY OWNER MUST ENTER INTO A SITE SECURITY AGREEMENT WITH THE CITY.

THE MOTION PASSED UNANIMOUSLY.

13. APPROVE AMENDMENT TO CRESCENT PONDS PUD TO REVISE SIDE YARD SETBACKS, SIGNATURE VENTURES, MAIN STREET AND UNIVERSITY AVENUE, PC 13-17
-

The staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER JOHNSON, TO APPROVE THE AMENDMENT TO CRESCENT PONDS PUD TO ALLOW LIVING SPACE ABOVE AND DIRECTLY BEHIND THE GARAGE AT A 5 FOOT SIDE YARD SETBACK AND A MINIMUM 15 FOOT SETBACK BETWEEN HOMES WITH THE FOLLOWING CONDITIONS:

1. ALL CONDITIONS OF THE ORIGINAL PUD APPROVAL OF APRIL 15, 2008 ARE INCLUDED IN THIS APPROVAL.
2. APPROVAL AND EXECUTION OF AN AMENDMENT TO THE PUD AGREEMENT.
3. THE LOTS ON WHICH THE REVISED SETBACKS APPLY ARE LOTS 1-19 ON ALDER STREET, LOTS 20-35 ON COTTONWOOD STREET AND LOTS 74-81 ON 124TH LANE, AS SHOWN ON THE ARCHITECTURAL RENDERING PRESENTED AT THE PLANNING COMMISSION MEETING.
4. THE REQUIRED LANDSCAPING AND IRRIGATION ON THE COMMON AREAS BE INSTALLED WHEN THE TWO CUL DE SACS ARE DEVELOPED OR NO LATER OCTOBER 1, 2015.
5. THE APPLICANT PROVIDE A BOND IN THE AMOUNT OF 150% OF THE COST OF INSTALLING THE LANDSCAPING AND IRRIGATION.

THE MOTION PASSED UNANIMOUSLY.

14. APPROVE SITE PLAN FOR REVISED LANDSCAPE PLAN, LA CASITA RESTAURANT, 8955 SPRINGBROOK DRIVE, PC 13-19
-

The staff report was shared with Council.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER KLINT, TO APPROVE THE PROPOSED LANDSCAPE CHANGES IN PLANNING CASE 13-19, AS RECOMMENDED BY THE PLANNING COMMISSION. THE MOTION PASSED UNANIMOUSLY.

15. AUTHORIZE FUNDS FROM THE GENERAL FUND TO ANOKA HENNEPIN SCHOOLS TO FUND THE ELEMENT TEEN CENTER THROUGH 2013

The staff report was shared with Council.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KLINT, TO RECOMMEND REMITTING \$3,250 FROM THE GENERAL FUND TO ANOKA HENNEPIN SCHOOLS TO FUND THE ELEMENT TEEN CENTER THROUGH MID-DECEMBER. THE MOTION PASSED UNANIMOUSLY.

16. VAN DONATION FOR COON RAPIDS SENIOR SERVICES

The staff report was shared with Council.

Mayor Howe thanked Coon Rapids Chrysler Jeep and Lincoln Mercury for their generous donation.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO ACCEPT THE NEW VAN AND ACKNOWLEDGE THE VITAL ROLE AND VALUABLE COMMUNITY RESOURCE THAT COON RAPIDS SENIOR SERVICES HAS WITH COON RAPIDS CHRYSLER JEEP AND LINCOLN MERCURY. THE MOTION PASSED UNANIMOUSLY.

17. CONSIDER INTRODUCTION OF AN ORDINANCE RESTRICTING PARKING ON BOTH SIDES OF FOLEY BOULEVARD, BETWEEN HIGHWAY 10 AND NORTHDALE BOULEVARD

The staff report was shared with Council.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER JOHNSON, TO INTRODUCE AN ORDINANCE RESTRICTING PARKING ON BOTH SIDES OF FOLEY BOULEVARD, BETWEEN HIGHWAY 10 AND NORTHDALE BOULEVARD. THE MOTION PASSED UNANIMOUSLY.

18. CONSIDER INTRODUCTION OF AN ORDINANCE CHANGING THE PUBLIC HEARING NOTICE REQUIREMENTS FOR VARIANCES, REQUIRED CITY COUNCIL VOTES ON APPEALS TO VARIANCE DECISIONS, AND ADDED REGULATIONS FOR MAINTENANCE OF IMPROVEMENTS, PC 13-18

The staff report was shared with Council.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER MANNING, TO INTRODUCE THE PROPOSED ORDINANCE APPROVING THE PROPOSED ORDINANCE AMENDMENT FOR THE FOLLOWING:

- A. ADD SECTION 11-304.9(3) REMOVING THE REQUIREMENT THAT PUBLIC HEARING NOTICES FOR THE BOARD OF ADJUSTMENT AND APPEALS BE PUBLISHED IN THE PAPER.

- B. ADD THE REQUIREMENT IN TABLE 11-305.3(1) FOR A 2/3 VOTE OF THE COUNCIL TO AMEND OR REJECT A DECISION OF THE BOARD OF ADJUSTMENT AND APPEALS.

- C. ADD SECTION 11-1207.1(14) ON MAINTENANCE OF SITE IMPROVEMENTS.

THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

19. UPDATE ON 2720 NORTHDALÉ BOULEVARD

The staff report was shared with Council.

Councilmember Manning expressed concern with a crosswalk at Sand Creek Trail on Foley Boulevard. He commented three trees have been removed near this crosswalk due to the high speed of traffic. The neighbors were requesting the police provide radar services in this area, along with tickets.

ADJOURN

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KOCH, TO ADJOURN THE MEETING AT 8:00 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Cathy Sorensen, City Clerk

UNAPPROVED

COON RAPIDS CITY COUNCIL EXECUTIVE WORK SESSION MINUTES OF OCTOBER
1, 2013

MEMBERS PRESENT: Mayor Howe, Councilmembers Klint, Manning, Johnson, Koch,
Sanders, and Wells

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Steve Gatlin

1. CALL TO ORDER

Mayor Howe called the executive work session to order at 8:10 p.m.

2. ROLL CALL

All present.

3. CITY MANAGER'S PERFORMANCE REVIEW

The City Council conducted the City Manager's annual performance review.

4. OTHER BUSINESS

There was no other business.

5. ADJOURN

Mayor Howe adjourned the executive session at 9:00 p.m.

Respectfully submitted,

Cathy Sorensen
City Clerk



City Council Regular

1.

Meeting Date: 10/15/2013

Subject: Accept Easement from Federal National Mortgage Association

Submitted For: David Brodie, City Attorney

From: Kim Reid, Administrative Legal Assistant

INTRODUCTION

Council is asked to accept an easement for sidewalk, drainage and utility purposes from National Mortgage Association over portions of their property at 396 107th Lane NW.

DISCUSSION

At its meeting of January 7, 2013, Council approved a lot split and variance regarding the properties 398 and 388 107th Lane NW which created the two lots. As a condition of the lot split and variance, Council requested an easement along Foley Boulevard of the property for sidewalk, drainage and utility purposes. Federal National Mortgage Association has provided such an easement at no cost for Council's acceptance.

RECOMMENDATION

Accept easement for sidewalk, drainage and utility purposes from National Mortgage Association over portions of their property at 396 107th Lane NW.

Attachments

Survey

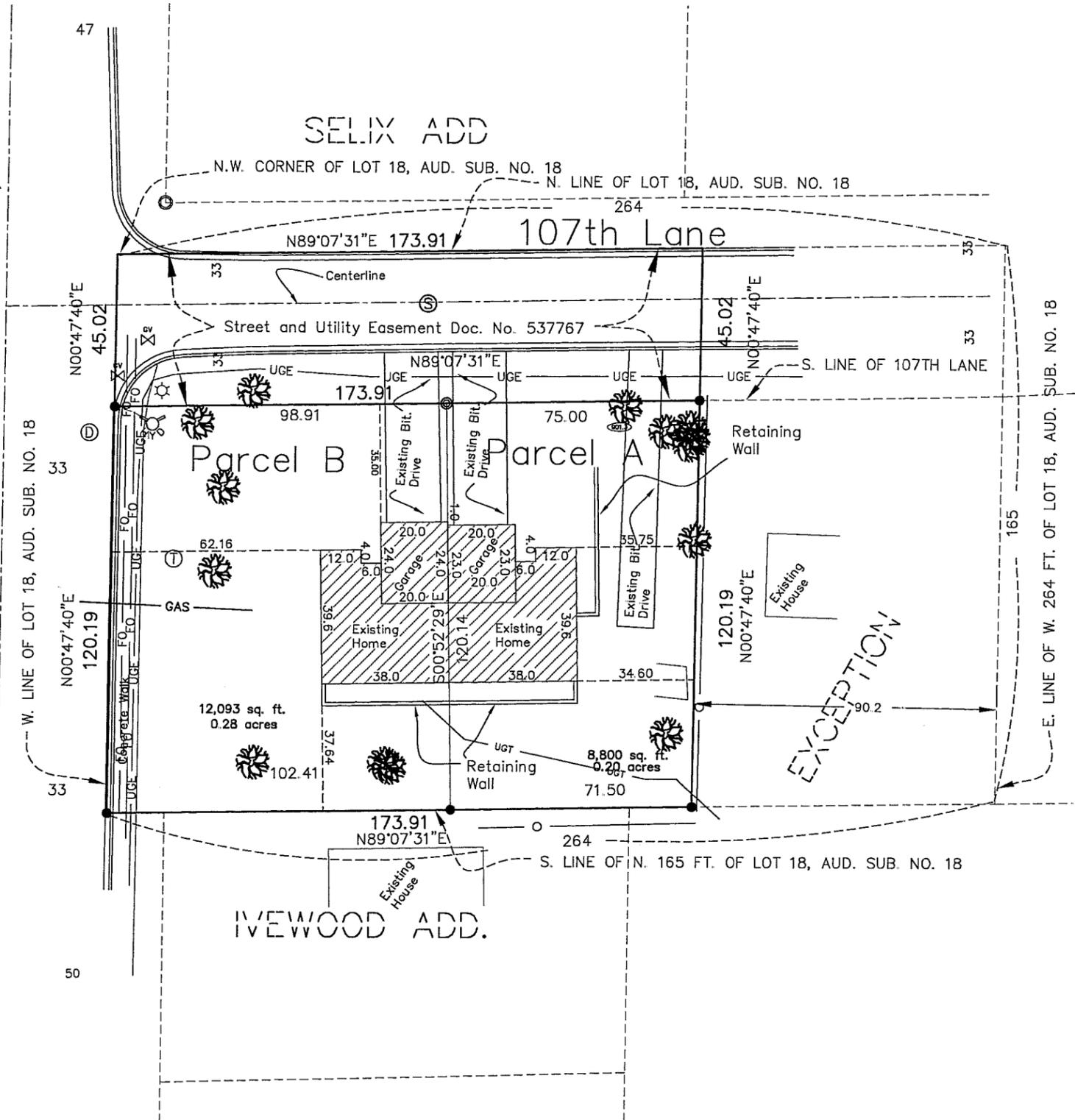
Easement Agreement

Certificate of Survey

for

Federal National Mortgage Association (Fannie Mae)

Foley Blvd. (C.S.A.H. No. 11)



Original Parcel Description

That part of Lot eighteen (18) of Auditor's Subdivision No. 8, described as follows, to-wit: Commencing at the Northwest corner of said Lot 18; thence East on the North line of said Lot 18 a distance of sixteen (16) rods; thence South and parallel with the West line of said Lot 18, a distance of ten (10) rods; thence west and parallel with the North line of said Lot 18, a distance of sixteen (16) rods; thence North on the West line of said Lot 18 a distance of ten (10) rods to the point of beginning, EXCEPT the the east 90.20 feet thereof.

Proposed Description Parcel A

That part of Lot 18 of Auditor's Subdivision No. 8, Anoka County, Minnesota, described as follows: Commencing at the Northwest corner of said Lot 18; thence East on the North line of said Lot 18 a distance of 264 feet; thence South and parallel with the West line of said Lot 18, a distance of 165 feet; thence west and parallel with the North line of said Lot 18, a distance of 264 feet; thence North on the West line of said Lot 18 a distance of 164 feet to the point of beginning, EXCEPT the the east 90.20 feet thereof, lying east of the following described line:

Commencing at the intersection of the west line of said Lot 18 and the southerly line of 107th Lane; thence easterly, along said southerly line, 98.91 feet to the point of beginning of the line to be described; thence southerly at a right angle to said southerly line of 107th Lane 120.14 feet, more or less, to the southerly line of the north 165 feet of said Lot 18 and said line there terminating.

Containing 8,800 Sq. Ft. - 0.20 ac.

Proposed Description Parcel B

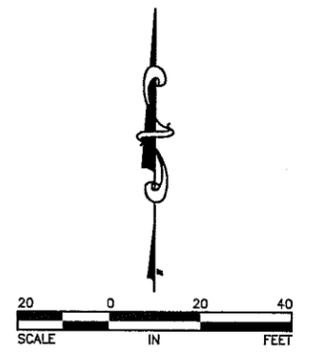
That part of Lot 18 of Auditor's Subdivision No. 8, Anoka County, Minnesota, described as follows: Commencing at the Northwest corner of said Lot 18; thence East on the North line of said Lot 18 a distance of 264 feet; thence South and parallel with the West line of said Lot 18, a distance of 165 feet; thence west and parallel with the North line of said Lot 18, a distance of 264 feet; thence North on the West line of said Lot 18 a distance of 164 feet to the point of beginning, EXCEPT the the east 90.20 feet thereof, lying west of the following described line:

Commencing at the intersection of the west line of said Lot 18 and the southerly line of 107th Lane; thence easterly, along said southerly line, 98.91 feet to the point of beginning of the line to be described; thence southerly at a right angle to said southerly line of 107th Lane 120.14 feet, more or less, to the southerly line of the north 165 feet of said Lot 18 and said line there terminating.

Containing 12,093 Sq. Ft. - 0.28 ac.

LEGEND

- = SANITARY SEWER MANHOLE
- ⊕ = HYDRANT
- ⊙ = STORM SEWER MANHOLE
- ⊗ = CATCH BASIN
- ⊠ = ELECTRIC BOX
- ⊡ = LIGHT
- ⊢ = SIGNAL POLE
- |- = DENOTES WATER LINE
- >- = DENOTES SANITARY SEWER LINE
- >>- = DENOTES STORM SEWER LINE
- = DENOTES IRON MONUMENT FOUND
- ⊙ = IRON MONUMENT SET AND MARKED WITH LICENSE NO. 18420.
- UGT- = DENOTES UNDERGROUND TELEPHONE LINE
- UGE- = DENOTES UNDERGROUND ELECTRIC LINE
- E- = DENOTES OVERHEAD ELECTRIC LINE
- T- = DENOTES OVERHEAD TELEPHONE LINE
- GAS- = DENOTES GAS MAIN
- ⊞ = DENOTES TELEPHONE PEDESTAL
- ⊞ = DENOTES ELECTRIC TRANSFORMER
- ⊞ = DENOTES CABLE TV BOX
- ⊞ = DENOTES UTILITY POLE GUYWIRE
- ⊞ = DENOTES SOIL BORING
- ⊞ = DENOTES GATE VALVE



DATE	REVISION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Minnesota.

Charles R. Christopherson
Date 10/23/12 Lic. No. 18420

DESIGNED BY: BRP DATE: 10/23/12
 DRAWN BY: BRP
 CHECKED BY: CRC FILE NO. 3138.02

Hakanson Anderson Assoc., Inc.
 Civil Engineers and Land Surveyors
 3601 Thurston Ave., Anoka, Minnesota 55303
 763-427-5860 FAX 763-427-0520
 www.hakanson-anderson.com

City of Coon Rapids

Certificate of Survey
 For
 Federal National Mortgage Association
 (Fannie Mae)

SHEET 1 OF 1 SHEETS

EASEMENT AGREEMENT

(pc12-28)

THIS INDENTURE, made this 2nd day of October, 2013, between FEDERAL NATIONAL MORTGAGE ASSOCIATION, a Federally chartered corporation, herein referred to as the Landowner, and the CITY OF COON RAPIDS, a municipal corporation organized under the laws of the State of Minnesota, hereinafter referred to as the "City".

WITNESSETH:

That the said Landowner in consideration of the sum of One Dollar and other good and valuable consideration to it in hand paid by the City, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey unto the said City, its successors and assigns, forever, a permanent easement for sidewalk, drainage and utility purposes over, under and across the following described property:

Together with a permanent easement for sidewalk, drainage and utility purposes over, under and across the West 10.00 feet of the following described property:

That part of Lot 18 of Auditor's Subdivision No. 8, Anoka County, Minnesota, described as follows and which lies west of "Line A" and its extensions: Commencing at the Northwest corner of said Lot 18; thence East on the North line of said Lot 18 a distance of 264.00 feet; thence South and parallel with the West line of said Lot 18, a distance of 165.00 feet; thence west and parallel with the North line of said Lot 18, a distance of 264.00 feet; thence North on the West line of said Lot 18 a distance of 165.00 feet to the point of beginning, EXCEPT the east 90.20 feet thereof.

"Line A" is described as follows:

Commencing at the intersection of the west line of said Lot 18 and the southerly line of 107th Lane; thence easterly, along said southerly line, 98.91 feet to the point of beginning of the line to be described: thence southerly at a right angle to said southerly line of 107th

Lane 120.14 feet, more or less, to the southerly line of the north 165.00 feet of said Lot 18 and said "Line A" there terminating.
Containing 12,093 Sq. Ft. – 0.28 ac.

EXEMPT FROM STATE DEED TAX

This easement shall convey to the City, its contractors, agents, officers and employees the right to enter upon said premises at all reasonable times for the purpose of construction, grading, sloping and restoration purposes, and all such purposes ancillary thereto, together with the right of said City, its contractors, agents, officers and employees to remove trees, brush, undergrowth and other obstructions from the easement area, as well as the right to deposit earthen materials within the easement area.

The City agrees to indemnify and hold the Landowner harmless from damages or claims resulting directly and solely from the use of the easements. This indemnification, however, shall not include and the City shall not be responsible for any and all costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, and losses resulting from any claims, actions, suits, or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants which may have existed on, or which relate to, the property prior to the date hereof and which were not caused by the City.

Upon the completion of any construction, maintenance, or replacement project, the City will restore any disturbed areas including, but not limited to, the replacement of any damaged sod and plantings

Nothing contained herein shall be deemed a waiver by the City of any governmental immunity defenses, statutory or otherwise. Further, any and all claims brought by Landowner, its successors or assigns, shall be subject to any governmental immunity defenses of the City and the maximum liability limits provided in Minnesota Statutes Chapter 466.

And the said Landowner, for itself, its successors and assigns, does covenant with the City, its successors and assigns, that it is well seized in fee of the lands and premises aforesaid and has good right to grant and convey the easement herein to said City.

IN WITNESS WHEREOF, the said Landowner has caused this agreement to be executed as of the day and year first above written.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION



CITY OF COON RAPIDS

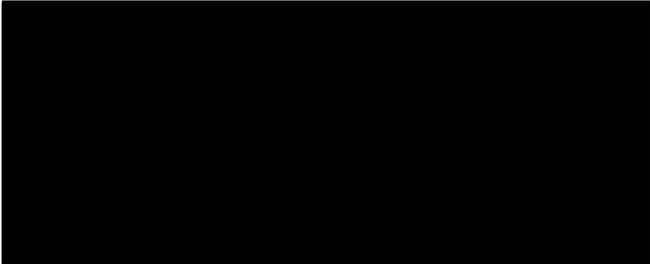
By: _____
Tim Howe, Mayor

By: _____
Steven D. Gatlin, City Manager

[Signatures continue on following page]

STATE OF Texas)
) ss.
COUNTY OF Dallas)

On this 2nd day of October 2013, before me a Notary Public within and for said County, personally appeared Cynthia Tarlton the Assistant Vice President of Federal National Mortgage Association, a Federally chartered corporation, on behalf of the corporation.



STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this ___ day of _____, before me a Notary Public within and for said County, personally appeared Tim Howe and Steven D. Gatlin, the Mayor and City Manager for the City of Coon Rapids, a municipal corporation under the laws of the State of Minnesota, on behalf of the municipal corporation.

Notary Public

This instrument was Drafted by:

David J. Brodie
Coon Rapids City Attorney
11155 Robinson Drive
Coon Rapids, Minnesota 55433
(763) 767-6495



City Council Regular

2.

Meeting Date: 10/15/2013

Subject: Corporate Officer Change - Davanni's Pizza and Hot Hoagies 3430 - 129th Ave NW

From: Vincent Vu, Management
Analyst/Deputy Clerk

INTRODUCTION

The representative for Davanni's, Inc. has notified the City of a change in their corporate officers.

DISCUSSION

City Code Section 5-216(6) requires that the City Council be notified of any change in legal ownership or beneficial interest of a liquor license holder. The letter advising of their new Board Members is attached.

RECOMMENDATION

This is provided for information only.

Attachments

Davanni's Ownership Change Letter

DAVANNI'S®

PIZZA & HOT HOAGIES

Since 1975

1100 Xenium Lane North • Plymouth, MN 55441-5200

(952) 927-2300

FAX (952) 927-2323

To Whom It May Concern:

This letter is to inform you that there has been a change of ownership for Davanni's, Inc. Robert William Carlson Jr. has sold his stock to Kristina Stenson Silva and Katherine Jane Stenson. The new owners, listed below, are now 25% owners each.

Gladstone McKinley Stenson – CEO and Chairman of the Board, 50% ownership
6629 Parkwood Rd
Edina, MN 55436
Phone: 952-935-9541
Date of Birth: August 23, 1948

Kristina Stenson Silva – Board Member, 25% ownership
20 2nd St NE Apt P2605
Mpls, MN 55413
Phone: 612-710-1683
Date of Birth: January 6, 1984

Katherine Jane Stenson – Board Member, 25% ownership
5848 Sheridan Ave S
Minneapolis, MN 55410
Phone: 612-418-9625
Date of Birth: March 3, 1986

If there is paperwork that needs to be filed out for the two new owners, please email it to me ASAP and I will see that it is taken care of. Please feel free to contact me with any questions.

Sincerely,



Laura Rightmire
Accounts Payable Manager
Davanni's, Inc.
1100 Xenium Lane N
Plymouth, MN 55441

952-927-2331
952-927-2323 (f)
lrightmire@davannis.com



City Council Regular

3.

Meeting Date: 10/15/2013

Subject: City Commitment to Coon Rapids Youth Hockey Association Entry Level Programs

From: Tim Himmer, Public Works Director

INTRODUCTION

The Coon Rapids Youth Hockey Association is interested in continuing to support and encourage youth in the community to learn how to skate and play hockey. In this effort, the Association is requesting the City to provide up to 16 hours of ice time at no cost for the 2013-2014 Jr. Cardinal Camps and other recruiting activities.

DISCUSSION

In 2008 the Coon Rapids Youth Hockey Association (with support from the City) implemented the Jr. Cardinal Camp, a summer and fall series of 30-45 minute recruitment camps where participants could utilize Association equipment for skating and hockey instruction serving as an introduction to the sport.

In 2012, 90 new families registered for the camps resulting in over 50 new registrations at the Mite and U8 entry levels. In 2013, 94 new families registered for the Jr. Cardinal Camp, with 72 players from that group committing to this season.

To assist in defraying the costs of the activities, the Association is requesting the City's help by once again contributing the cost of the ice time.

RECOMMENDATION

Staff recommends that the City Council approve the Coon Rapids Youth Hockey Association's request for providing up to 16 hours of ice time at the Coon Rapids Ice Center for programs directed at the recruitment and retention of beginning players.

BUDGET IMPACT:

At the 2013-2014 approved CRYHA indoor ice rate of \$180.00/hr the total maximum financial support would be \$2,880.00.

This decrease in revenue should be partially offset in this same budget year by an increase in Mite and U8 player participation allowing the Association to field a full range of entry level teams. In future years each returning player would continue to contribute to CRYHA.



City Council Regular

4.

Meeting Date: 10/15/2013

Subject: Open Mic Report - Katie Raeker, 10160 Raven Street NW, Concerns with New Dog Park

From: Brad Wise, Police Chief

INTRODUCTION

Katie Raeker, 10160 Raven Street NW, appeared at open mic with concerns about the new Bunker Hills Dog Park. Among her concerns was a request for a schedule for the nearby gun range.

DISCUSSION

Anoka County owns the gun range in Coon Rapids, with the Anoka County Sheriff's Office overseeing its operation. Staff discussed with the Sheriff's Office training coordinator a more specific request from the Coon Rapids City Council for a schedule of the shooting range activities to be posted online.

It is the position of the Sheriff's Office that due to the cost and management time of an online schedule, the Sheriff's Office will not be posting an online schedule for the range. Residents can expect the range to be used every week day from April to October. Typical hours of operation are from 0800-1700 hours (8:00 a.m. - 5:00 p.m.). It is infrequent, but some weekends the gun range will also be open. Gunfire may or may not be heard during hours of operation based on lesson plans, classroom presentations, breaks or other training exercises. The Sheriff's Office will be installing a sign advising passing motorists that the range is in use. If the range is in use the possibility of hearing gunshots is very high.

RECOMMENDATION

No action requested.

cc: Katie Raeker



City Council Regular

5.

Meeting Date: 10/15/2013

Subject: Cons. Adoption of Ordinance and Resolution Restricting Parking on Foley Boulevard, Between Highway 10 and Northdale Boulevard

From: Tim Himmer, Public Works Director

INTRODUCTION

Anoka County is proposing to reconstruct Foley Boulevard in two segments, beginning in 2014. The first segment will be from Highway 10 to Egret Boulevard (2014), and the second segment is from Egret Boulevard to Northdale Boulevard (2015-16). As part of both projects, the City is required to impose parking restrictions for compliance with State Aid requirements. The City Council is requested to adopt an ordinance and corresponding resolution restricting parking along Foley Boulevard through the project limits.

DISCUSSION

On March 19, 2013, the City Council approved a Joint Powers Agreement with Anoka County for the reconstruction of Foley Boulevard, between Highway 10 and Egret Boulevard, which is scheduled to occur in 2014. A similar companion project is currently being designed to extend the Foley Boulevard reconstruction north to the intersection of Northdale Boulevard in 2015-16. On October 1, 2013 the Foley Boulevard parking restriction ordinance was introduced by the City Council. Foley Boulevard already has parking restrictions through this corridor, but a formal resolution must be passed by the City Council for State Aid approval and funding.

These projects are being proposed to increase safety along the corridor, improve roadway conditions in the short term, and prepare for future roadway capacity concerns. Proposed improvements include reconstruction to a 4-lane roadway section, raised concrete medians, access control, dedicated turn lanes, concrete curb & gutter, drainage enhancements, sidewalk & trail construction, signal system upgrades, and other utility improvements (as necessary). Additional project enhancements directed by the Council include a colored concrete median and pedestrian style LED streetlighting throughout the corridor.

RECOMMENDATION

Staff recommends that the City Council adopt the attached ordinance restricting parking on Foley Boulevard, between Highway 10 and Northdale Boulevard. Due to State Aid requirements it is further recommended that the Council approve the corresponding resolution for such parking restriction.

Attachments

Ordinance

Resolution 13-92

ORDINANCE NO.

**AN ORDINANCE RESTRICTING PARKING ON BOTH SIDES OF
FOLEY BOULEVARD BETWEEN HIGHWAY 10
AND NORTHDALÉ BOULEVARD**

The City of Coon Rapids does ordain:

Section 1. There is hereby established a parking restriction on both sides of Foley Boulevard between Highway 10 and Northdale Boulevard.

Section 2. The Public Services Director is authorized and directed to install appropriate signs to effectuate the purpose of this ordinance.

Introduced on the 1st day of October 2013.

Adopted on the ____ day of October, 2013.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk

RESOLUTION NO. 13-92

**A RESOLUTION RELATING TO PARKING RESTRICTIONS ON
BOTH SIDES OF FOLEY BOULEVARD BETWEEN HIGHWAY 10
AND NORTHDALÉ BOULEVARD**

WHEREAS, this resolution was passed this 15th day of October, 2013, by the City of Coon Rapids (hereinafter "City") in Anoka County, Minnesota; and

WHEREAS, Anoka County and the City have planned the intersection improvement of Foley Boulevard between Highway 10 and Northdale Boulevard, in the City of Coon Rapids, Minnesota; and

WHEREAS, the City will be expending Municipal State Aid funds on the improvement of this intersection and the County of Anoka will be expending Federal Aid funds; and

WHEREAS, this improvement does not provide adequate width for parking on both sides of Foley Boulevard between Highway 10 and Northdale Boulevard, and approval of the proposed construction as a County State Aid Highway project must, therefore, be conditioned upon certain parking restrictions.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Coon Rapids, Minnesota that parking of motor vehicles shall be banned on both sides of Foley Boulevard between Highway 10 and Northdale Boulevard.

BE IT FURTHER RESOLVED that the effective date of this resolution will be November 2, 2013.

Adopted this 15th day of October, 2013.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



City Council Regular

6.

Meeting Date: 10/15/2013

Subject: Cons. Adoption of Ordinance for Process of Public Hearing Notices for Variances, Council Vote on Appeals and Maintenance of Improvements, PC 13-18

From: Scott Harlicker, Planner

INTRODUCTION

The City is requesting adoption of an ordinance amendment to address issues relating public hearings notices for variances, Council votes on appeals to variance decisions, and regulations for the maintenance of improvements.

DISCUSSION

Background

The following proposed "housekeeping" changes are needed so the current code includes past procedures and requirements.

Variance Public Hearing

Prior to the recent Title 11 update, it had been the practice, per code, of the Board of Adjustment and Appeals to hold public hearing but not publish a hearing notice in the paper. The notices are mailed to all property owners within 350 feet of the request. This procedure was inadvertently changed as part of the recent code update. Staff is proposing to amend the code to reflect past practice of the Board by adding the following section:

11-304.9(3) Notice of Public Hearing. The Board of Adjustment and Appeals Chair shall cause a notice of the public hearing to be mailed, at least 10 days and not more than 20 days before the day of such hearing, to each property owner of affected property and property wholly or partially within 350 feet of the property to which such action relates. The notice must include the legal description of the property and common name designation of its location. The notice must state the time, place and purpose of the hearing and that hearing will be held before the Board of Adjustment and Appeals. Failure to give notice or any defects in the notice shall not invalidate the proceedings.

The above language is from Section 11-332 of the old code. The table in Section 11-305.3(1) will be amended to reflect proposed language.

Appeal to Council

State Statute requires that a vote of 2/3 of the Council is needed to amend or reject the Board of Adjustment and Appeals decision. This language will be added to the table in Section 11-305.3(1).

Maintenance of Improvements

The previous code included a section (11-328) that required the building and site be maintained in good condition and that all improvements be repaired, replaced or repainted as necessary. The language was not included in the revision. The following language from section 11-328 will be added as Section 11-1207.1(14):

11-1207.1(14) Maintenance of Improvements. The owner or occupant of the premises must maintain the building and site in good condition, free from refuse and debris. All improvements must be repaired, replaced or repainted as necessary. All diseased or dead plant materials must be promptly replaced with the same or equivalent materials.

This item was introduced at the Council's October 1st meeting. No questions or issues were raised at the meeting.

Planning Commission Meeting

At the Planning Commission meeting held on September 19th no one spoke at the public hearing. The Commission voted unanimously to recommend approval.

RECOMMENDATION

In Planning Case 13-18 the City Council **adopt** the proposed ordinance **approving** the following amendments:

- a. Add Section 11-304.9(3) removing the requirement that public hearing notices for the Board of Adjustment and Appeals be published in the paper.
- b. Add the requirement in Table 11-305.3(1) for a 2/3 vote of the Council to amend or reject a decision of the Board of Adjustment and Appeals.
- c. Add Section 11-1207.1(14) on maintenance of site improvements.

Attachments

Proposed Ordinance

ORDINANCE NO.

AN ORDINANCE CHANGING THE PUBLIC HEARING NOTICE REQUIREMENTS FOR VARIANCES, REQUIRED CITY COUNCIL VOTES ON APPEALS TO VARIANCE DECISIONS AND ADDED REGULATIONS FOR MAINTENANCE OF IMPROVEMENTS

The City of Coon Rapids does ordain:

Section 1. Revised City Code – 1982 Section 11-304.9(3) is hereby amended as follows:

(Deletions in brackets, additions double underlined)

11-304.9(3) Notice of Public Hearing. The Board of Adjustment and Appeals Chair shall cause a notice of the public hearing to be mailed , at least 10 days and not more than 20 days before the day of such hearing, to each property owner of affected property and property wholly or partially within 350 feet of the property to which such action relates. The notice must include the legal description of the property and common name designation of its location. The notice must state the time, place and purpose of the hearing and that hearing will be held before the Board of Adjustment and Appeals. Failure to give notice or any defects in the notice shall not invalidate the proceedings.

Section 2 Revised City Code- 1982 Section 11-305.3(1) is hereby amended as follows:

(Deletions in brackets, additions double underlined)

11-305.3 Action on Application.

(1) The following table illustrates what actions are required for application determination:

Type of Application	Public Hearing	Planning Commission Action	BAA Action	Appeal to	City Council Action
Conditional Use Permit	Yes	Approve, approve subject to conditions or deny	N/A	City Council	Affirm, amend, or reject the decision on appeal
Site Plan	Yes	Approve, approve subject to conditions or deny	N/A	City Council	Affirm, amend, or reject the decision on appeal
Variance	No ²	N/A	Approve, approve with conditions, or deny ¹	City Council	Affirm, amend, or reject the decision on appeal ²

Master Plan in PORT, overlay, or special district	Yes	Recommendation to approve, deny, or modify	N/A	N/A	Approve or deny
Subdivision	Yes	Recommendation to approve, deny, or modify	N/A	N/A	Approve or deny
Commercial Antenna in a residential area	Yes	Recommendation to approve, deny, or modify	N/A	N/A	Approve or deny
Rezoning and Comprehensive Plan Amendment	Yes	Recommendation to approve, deny	N/A	N/A	Approve or deny
Home Occupation Permit	Yes	Approve, approve subject to conditions or deny	N/A	City Council	Affirm, amend, or reject the decision on appeal

¹ A majority of two-thirds (2/3) of those members voting on the motion is required to grant a variance. The Board of Adjustment and Appeals is not authorized to approve as a variance a use that is not permitted in the zoning district.

² A majority of two-thirds of all members of the City Council is required to amend or reject the Board's decision.

³ See Section 11-304.9(3) Notice of Public Hearing

Section 3. Revised City Code – 1982 Section 11-1207.1(14) is hereby amended as follows:

(Deletions in brackets, additions double underlined)

11-1207.1(14) Maintenance of Improvements. The owner or occupant of the premises must maintain the building and site in good condition, free from refuse and debris. All improvements must be repaired, replaced or repainted as necessary. All diseased or dead plant materials must be promptly replaced with the same or equivalent materials.

Introduced this 1st day of October, 2013.

Adopted this ____ day of _____.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



City Council Regular

7.

Meeting Date: 10/15/2013

Subject: Connexus Energy Franchise Agreement

From: David Brodie, City Attorney

INTRODUCTION

City Council is asked to introduce the ordinance which contemplates the City and Connexus Energy entering into a 20 year franchise agreement.

DISCUSSION

Connexus Energy, formally Anoka Cooperative Electric Association, was established in 1937 and has served portions of Coon Rapids since it was established. Staff and Connexus Energy have recently discovered that for unknown reasons, City and Connexus have not previously entered into a franchise agreement. The City does have franchise agreements with the two other utilities in the City, Xcel Energy and Centerpoint. Connexus has been paying the franchise fee established under 2-700 of the City's Charter which is currently set at 4% of its gross operating revenues. Both the City and Connexus believe it's in the best interest of the parties to enter into an agreement to continue allowing Connexus to operate an electric energy franchise in the City. Both staff and Connexus Energy desire to maintain their good relationship by formalizing their arrangement into a twenty year franchise agreement. Franchises are granted in the form of an ordinance. The proposed Franchise Agreement allows the City to continue to collect a franchise fee in the same manner and amount that previously had been established. The Franchise Agreement confirms Connexus' right to operate in the City and use of the City's right of ways for that purpose. The proposed Franchise Agreement also makes specific reference to the City's Right of Way (ROW) ordinance to cover not only Connexus' right to utilize public right of ways but its responsibilities within those right of ways as well. The proposed Franchise Agreement is materially similar to the Xcel Energy agreement that was adopted in October of 2011.

RECOMMENDATION

Introduce ordinance granting a utility franchise to Connexus Energy.

Attachments

Connexus Franchise Agreement

ORDINANCE NO.
AN ORDINANCE GRANTING TO CONNEXUS ENERGY, A MINNESOTA COOPERATIVE, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF COON RAPIDS, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC GROUNDS AND PUBLIC WAYS OF THE CITY FOR SUCH PURPOSES
NEW CHAPTER 13-1500

The City of Coon Rapids hereby ordains:

13-1501 For purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

- (1) City. The City of Coon Rapids, County of Anoka, State of Minnesota.
- (2) City Utility System. Facilities used for providing non-energy related public utility service owned or operated by City or agency thereof, including sewer and water service, but excluding facilities for providing heating, lighting or other forms of energy.
- (3) Company. Connexus Energy, a Minnesota cooperative, its successors and assigns.
- (4) Electric Facilities. Electric transmission and distribution towers, poles, lines, guys, anchors, conduits, fixtures, and necessary appurtenances owned or operated by Company for the purpose of providing electric energy for public use.
- (5) Notice. A written notice served by one party on the other party referencing one or more provisions of this Ordinance. Notice to Company shall be mailed to the Chief Executive Office, Connexus Energy, 14601 Ramsey Boulevard NW, Ramsey, MN 55303-6024. Notice to the City shall be mailed to the City Manager, City Hall, 11155 Robinson Drive, Coon Rapids, MN 55433. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.
- (6) Non-Betterment Costs. Costs incurred by Company from relocation, removal, or rearrangement of Electric Facilities that do not result in an improvement to the Electric Facilities.
- (7) Public Ground. Land owned by the City for park, open space or similar purpose, which is held for use in common by the public.
- (8) Public Way. Any street, alley, walkway or other public right-of-way within the City.

13-1502 Adoption of Franchise.

- (1) Grant of Franchise. City hereby grants Company, for a period of 20 years from the date passed and approved by the City, the right to transmit and furnish electric energy for light, heat, power and other purposes for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Electric Facilities in, on, over, under and across the Public Grounds and Public Ways of City, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to such reasonable regulations as may be imposed by the City pursuant to ordinance, including Coon Rapids Revised City Code 1982, Chapter 10-200, Right-of-Way Management and to the further provisions of this franchise agreement.

(2) Effective Date. Written Acceptance. This franchise agreement shall be in force and effect from and after passage of this Ordinance, its acceptance by Company, and its publication as required by law. The City, by Council resolution, may repeal this franchise agreement or seek its enforcement in a court of competent jurisdiction if Company does not file a written acceptance with the City within 90 days after publication.

(3) Service and Rates. The service to be provided and the rates to be charged by Company for electric service in City are subject to the governance of the Company's board of directors.. The area within the City in which Company may provide electric service is subject to the provisions of Minnesota Statutes, Section 216B.40.

(4) Publication Expense. The expense of publication of this Ordinance shall be paid by Company.

(5) Dispute Resolution. If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used, or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

13-1503 Location, Other Regulations.

(1) Location of Facilities. Electric Facilities shall be located, constructed and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and so as not to disrupt normal operation of any City Utility System previously installed therein. Electric Facilities may be located on Public Grounds as determined by the City. Company's construction, reconstruction, operation, repair, maintenance and location of Electric Facilities shall be subject to permits if required by separate ordinance and to other reasonable regulations including Chapter 10-200, Right-of-Way Management of the City to the extent not inconsistent with the terms of this franchise agreement. Company may abandon underground Electric Facilities in place, provided at the City's request, Company will remove abandoned metal or concrete encased conduit interfering with a City improvement project, but only to the extent such conduit is uncovered by excavation as part of the City improvement project.

(2) Field Locations. Company shall provide field locations for its underground Electric Facilities within City consistent with the requirements of Minnesota Statutes, Chapter 216D.

(3) Street Openings. Company shall not open or disturb any Public Ground or Public Way for any purpose without first having obtained a permit from the City, if required by a separate ordinance, for which the City may impose a reasonable fee. Permit conditions imposed on Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb any Public Ground or Public Way without permission from the City where an emergency exists requiring the immediate repair of Electric Facilities. In such event Company shall notify the City by telephone to the office designated by the City as soon as practicable. Not later than the second working day thereafter, Company shall obtain any required permits and pay any required fees.

(4) Restoration. Restoration of the Public Way shall be subject to Chapter 10-200 Right-of-Way Management and made in accordance with Minnesota Rule 7819.1100. After undertaking any work requiring the opening of any Public Ground or Public Way, Company shall

restore the same, including paving and its foundation, to as good a condition as formerly existed, and shall maintain any paved surface in good condition for two years thereafter. The work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground or Public Way in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section, but the City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install, replace or maintain facilities in a Public Way

(5) Avoid Damage to Electric Facilities. Nothing in this Ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Electric Facilities while performing any activity.

(6) Notice of Improvements. The City must give Company reasonable notice of plans for improvements to Public Grounds or Public Ways where the City has reason to believe that Electric Facilities may affect or be affected by the improvement. The notice must contain: (i) the nature and character of the improvements, (ii) the Public Grounds and Public Ways upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and (v) if more than one Public Ground or Public Way is involved, the order in which the work is to proceed. The notice must be given to Company a sufficient length of time in advance of the actual commencement of the work to permit Company to make any necessary additions, alterations or repairs to its Electric Facilities.

(7) Shared Use of Poles. Company shall make space available on its poles or towers for City fire, water utility, police or other City facilities upon terms and conditions acceptable to Company whenever such use will not interfere with the use of such poles or towers by Company, by another electric utility, by a telephone utility, or by any cable television company or other form of communication company. In addition, the City shall pay for any added cost incurred by Company because of such use by City.

13-1504 Relocations.

(1) Relocation of Electric Facilities in Public Ways. Relocation of Electric Facilities in Public Ways shall be subject to Chapter 10-200, Right-of-Way Management. If the City determines to vacate a Public Way for a City improvement project, or at City's cost to grade, regrade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order Company to relocate its Electric Facilities located therein if relocation is reasonably necessary to accomplish the City's proposed public improvement. Except as provided in Section 13-1504(3), Company shall relocate its Electric Facilities at its own expense. Pursuant to the provisions in Section 13-1507, the City shall give Company reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Electric Facilities, which was made at Company expense, the City shall reimburse Company for non-betterment costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense

its Electric Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

(2) Relocation of Electric Facilities in Public Ground. City may require Company, at Company's expense, to relocate or remove its Electric Facilities from Public Ground upon a finding by City that the Electric Facilities have become or will become a substantial impairment to the existing or proposed public use of the Public Ground. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense its Electric Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City.

(3) Projects with Federal Funding. City shall not order Company to remove or relocate its Electric Facilities when a Public Way is vacated, improved or realigned for a right-of-way project or any other project which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation are first paid to Company. The City is obligated to pay Company only for those portions of its relocation costs for which City has received federal funding specifically allocated for relocation costs in the amount requested by the Company, which allocated funding the City shall specifically request. Relocation, removal or rearrangement of any Company Electric Facilities made necessary because of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46, as supplemented or amended. It is understood that the rights herein granted to Company are valuable rights.

(4) No Waiver. The provisions of this franchise apply only to facilities constructed in reliance on a franchise from the City and shall not be construed to waive or modify any rights obtained by Company for installations within a Company right-of-way acquired by easement or prescriptive right before the applicable Public Ground or Public Way was established, or Company's rights under state or county permit.

13-1505 Tree Trimming. Company may trim all trees and shrubs in the Public Grounds and Public Ways of City to the extent Company finds necessary to avoid interference with the proper construction, operation, repair and maintenance of any Electric Facilities installed hereunder, provided that Company shall save the City harmless from any liability arising therefrom, and subject to permit or other reasonable regulation by the City.

13-1506 Indemnification.

(1) Indemnity of City. Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Electric Facilities located in the Public Grounds and Public Ways. The City shall not be indemnified for losses or claims occasioned through its own negligence or failure to act. The City shall not be indemnified if the injury or damage results from the performance in a proper manner, of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

(2) Defense of City. In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City and Company, in

defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf. This franchise agreement shall not be interpreted to constitute a waiver by the City of any of its defenses of immunity or limitations on liability under Minnesota Statutes, Chapter 466.

13-1507 Vacation of Public Ways. The City shall give Company at least four weeks prior written notice of a proposed vacation of a Public Way. Except where required for a City improvement project, the vacation of any Public Way, after the installation of Electric Facilities, shall not operate to deprive Company of its rights to operate and maintain such Electric Facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

13-1508 Change in Form of Government. Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

13-1509 Franchise Fee.

(1) Fee Schedule. During the term of the franchise hereby granted, and in lieu of any permit or other fees being imposed on Company, the City may impose on Company a franchise fee of not more than 5% of Company's gross operating revenues as hereinafter defined. The terms "gross operating revenues" means all sums, excluding said surcharged, received by the Company from the sale of electricity within the corporate limits of the City, provided that it shall be excluded from the computation of gross earnings all sums received by the Company for electricity under its rate schedules for highway lighting, municipal street lighting, municipal water pumping, municipal fire sirens, and for municipal sewage disposal services.

(2) Separate Ordinance. The current franchise fee has been imposed by a separate ordinance duly adopted by the City Council. Any modification of the franchise fee shall be by a separate ordinance duly adopted by the City Council, which ordinance shall not be adopted until at least 60 days after written notice enclosing such proposed ordinance has been served upon Company by certified mail. The fee shall not become effective until the beginning of a Company billing month at least 60 days after written notice enclosing such adopted ordinance has been served upon Company by certified mail. Section 13-1502(5) shall constitute the sole remedy for solving disputes between Company and the City in regard to the interpretation of, or enforcement of, the separate ordinance. No action by the City to implement a separate ordinance will commence until this Ordinance is effective. A separate ordinance which imposes a lesser franchise fee on the residential class of customers than the maximum amount set forth in Section 13-1509(1) above shall not be effective against Company unless the fee imposed on each other customer classification is reduced proportionately in the same or greater amount per class as the reduction represented by the lesser fee on the residential class.

(3) Collection of the Fee. The franchise fee shall be payable monthly and shall be based on the gross revenues of the Company during complete billing months during the period for which payment is to be made by imposing a surcharge equal to the designated franchise fee in all customer billings for electric service. The payment shall be due the last business day of the month following the period for which the payment is made. The franchise fee may be changed by ordinance from time to time; however, each change shall meet the same notice requirements and not occur more often than annually and no change shall require a collection from any customer for

electric service in excess of the amounts specifically permitted by this Section 13-1509. No franchise fee shall be payable by Company if Company is legally unable to first collect an amount equal to the franchise fee from its customers in each applicable class of customers by imposing a surcharge in Company's applicable rates for electric service. Company may pay the City the fee based upon the surcharge billed subject to subsequent reductions to account for uncollectibles, refunds and correction of erroneous billings. Company agrees to make its records available for inspection by the City at reasonable times provided that the City and its designated representative agree in writing not to disclose any information which would indicate the amount paid by any identifiable customer or customers or any other information regarding identified customers. In addition, the Company agrees to provide at the time of each payment a statement summarizing how the franchise fee payment was determined, including information showing any adjustments to the total surcharge billed in the period for which the payment is being made to account for any uncollectibles, refunds or error corrections.

(4) **Equivalent Fee Requirement.** The separate ordinance imposing the fee shall not be effective against Company unless it lawfully imposes and the City monthly or more often collects a fee or tax of the same or greater equivalent amount on the receipts from sales of energy within the City by any other energy supplier, provided that, as to such a supplier, the City has the authority to require a franchise fee or to impose a tax. The "same or greater equivalent amount" shall be measured, if practicable, by comparing amounts collected as a franchise fee from each similar customer, or by comparing, as to similar customers the percentage of the annual bill represented by the amount collected for franchise fee purposes. The franchise fee or tax shall be applicable to energy sales for any energy use related to heating, cooling or lighting, or to run machinery and appliances, but shall not apply to energy sales for the purpose of providing fuel for vehicles. If the Company specifically consents in writing to a franchise or separate ordinance collecting or failing to collect a fee from another energy supplier in contravention of this Section, the foregoing conditions will be waived to the extent of such written consent.

13-1510 Provisions of Ordinance.

(1) **Severability.** Every section, provision, or part of this Ordinance is declared separate from every other section, provision, or part and if any section, provision, or part shall be held invalid, it shall not affect any other section, provision, or part. Where a provision of any other City ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

(2) **Limitation on Applicability.** This Ordinance constitutes a franchise agreement between the City and Company as the only parties, and no provision of this franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.

13-1511 Amendment Procedure. Either party to this franchise agreement may at any time propose that the agreement be amended to address a subject of concern and the other party will consider whether it agrees that the amendment is mutually appropriate. If an amendment is agreed upon, this Ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of Company's written consent thereto with the City Clerk within 90 days after the date of final passage by the City of the amendatory ordinance.

13-1512 Previous Franchises Superseded. This franchise supersedes any previous electric franchise granted to Company or its predecessor.

Section 1. The effective date of this ordinance will be _____.

Introduced this ____ day of _____, 2013.

Adopted this ____ day of _____, 2013.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



City Council Regular

8.

Meeting Date: 10/15/2013

Subject: Cons. Introduction of Amended Ordinance Pertaining to Waste Collection and Recycling (Chapter 8-200)

From: Tim Himmer, Public Works Director

INTRODUCTION

The City Council is being asked to introduce an ordinance amendment to revise Chapter 8-200 of City Code; Waste Collection and Recycling. The revisions requested are primarily an effort to better clarify the correct types and placement of residential containers.

DISCUSSION

Public Works staff has been working for some time on ideas to keep the roadway clear of obstructions; this is of primary importance during winter snow clearing activities. While compliance has improved some over the years it has been difficult getting residents to properly place their waste containers out of the roadway so streets can be cleared curb to curb in the most efficient manner. During review of the draft amendments by other departments a few additional items were added for clarification.

Attached is a strike through version of the ordinance, and outlined below is a summary of proposed changes.

Section 8-202 Definitions

The only change to this section is reference to the Public Works Director, as opposed to Public Services Director.

Section 8-205 Containers

Changes in this section relate to the types of containers that can be used for waste storage and collection. Over the years containers that were once purchased and provided by the resident have been phased out and are now being supplied by the hauler. Additionally, the use of plastic bags for yard waste has been updated to only allow the use of compostable bags.

Section 8-206 Location of Containers and Yard Waste

This section was the main reason for the proposed ordinance amendment and revisions include clarification and simplification of the correct placement of the waste containers, particularly on collection day. This section also now clarifies that yard waste may not be stored on the property unless in compliance with the current City compost ordinance.

RECOMMENDATION

Staff recommends introduction of the proposed amended ordinance pertaining to Chapter 8-200 of City Code; Waste Collection and Recycling.

Attachments

Proposed Amended Ordinance

ORDINANCE NO.

**AN ORDINANCE REVISING WASTE COLLECTION AND RECYCLING
AND THEREBY AMENDING REVISED
CITY CODE - 1982 CHAPTER 8-200**

The City of Coon Rapids does ordain:

Section 1. Revised City Code - 1982 Chapter 8-200, Waste Collection and Recycling is hereby amended as follows: (deletions in brackets, additions double underlined)

CITY OF COON RAPIDS, MINNESOTA

CHAPTER 8-200

WASTE COLLECTION AND RECYCLING

8-202 Definitions. For the purposes of this chapter, the following definitions will apply:

(1) “Authorized Recycling Program” means a program for the collection and recycling of recyclable materials which is instituted, sponsored, authorized, or controlled by the City of Coon Rapids.

(2) “Business” means any commercial, industrial, or institutional enterprise, except residential uses, including, but not limited to, offices, retail sales, wholesale sales, warehousing, restaurants, clubs, churches, and establishments of non-profit organizations where food is prepared or served or goods are sold.

(3) “Commercial Container” means any container intended for the collection of waste or recycling materials that exceeds 95 gallons in volume.

(4) “Director” means the City’s Public [~~Services~~] Works Director or the Director’s duly authorized representative.

(5) “Garbage” means any organic refuse, animal or vegetable, resulting from the preparation, consumption, display, dealing in or storage of meat, fish, fowl, fruit, or vegetables, including the cans, containers or wrappers wasted along with such materials, but not including recyclable materials.

(6) “Licensed Hauler” means any person licensed by the City of Coon Rapids to perform the services of collecting and disposing of waste, recycling materials, or yard waste, and any person providing any such services as a subcontractor thereto.

(7) “Mixed Municipal Solid Waste” means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include automobile hulks, street sweepings, ash, construction debris, mining waste, sledges, tree and agricultural waste, tires, lead acid batteries, motor and vehicle fuels and filters, and other materials collected, processed, and disposed of as separate waste streams, but does include source-separated compostable materials.

(8) “Multi-unit Residential Use” means a residential structure, or group of residential structures under a single management, with five or more residential units.

(9) “Person” means an individual, firm, association, partnership, or corporation.

(10) “Recyclable Materials” means materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile oil,

and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

(11) "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

(12) "Residential Container" means any container intended for the collection of waste or recycling materials that has a volume of 95 gallons or less.

(13) "Residential Household" means any attached or detached single, double, triple, or four unit dwellings and mobile homes.

(14) "Rubbish" means any solid wastes that are not garbage or recyclable materials.

(15) "Scavenging" means the unauthorized collection of recyclable materials that have been set out by the residents of the City specifically for participating in an authorized recycling program.

(16) "Source-separated compostable materials" means mixed municipal solid waste that is separated at the source by waste generators for the purpose of preparing it for use as compost, is collected separately from other mixed municipal solid waste, is comprised of food waste, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable because the Director of the Office of Environmental Assistance has determined that no other person is willing to accept the paper for recycling, and is delivered to a facility to undergo controlled microbial degradation to yield a human-like product meeting the pollution control agencies' Class I or Class II or equivalent compost standards and where process residues do not exceed 15 percent by weight of the total materials delivered to the facility.

(17) "Waste" means any discarded material including, but not limited to, garbage, rubbish, and recycling materials.

(18) "Yard Waste" means garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

8-205 Containers.

(1) Mixed municipal solid waste generated by residential households must be stored in residential containers that are water tight, have a tight fitting lid, are impervious to insects, rodents, birds, and other pests, and are not capable of absorbing moisture. Such containers must be provided by the Licensed Hauler, and may be inspected by the City to ensure compliance.

(2) Mixed municipal solid waste generated by businesses and multi-unit residential uses must be stored in commercial containers approved by the Director and which are water tight, have a tight fitting lid, are impervious to insects, rodents, birds, and other pests, and are not capable of absorbing moisture.

(3) Recyclable materials for all uses must be stored in containers approved by the Director, and provided by and collected by a Licensed Hauler. Containers for recyclable materials must be kept in good repair as to be able to adequately perform this intended purpose.

(4) Yard waste ~~may~~ must be ~~stored~~ placed in ~~plastic~~ State approved compostable bags~~;~~ or containers provided by a licensed hauler, tied in bundles, or stacked in a neat orderly manner. [Yard waste must be prepared for collection in a manner required by the person's licensed hauler.]

(5) If, upon inspections, the Director determines that a container is in poor repair, corroded, or otherwise defective condition so as to not comply with requirements of this Section, the Director will notify the provider or user in writing to repair or replace the container. The notice must include the specific defect or deficiency and provide a compliance date. If the defect or deficiency is not corrected by the compliance date, the Director will condemn the container and affix thereto a tag indicating such condemnation. It is unlawful for any person to use a

condemned container for the storage and collection of mixed municipal solid waste.

8-206 Location of Containers and Yard Waste.

(1) The outside storage location of containers for yard waste, residential [~~containers for the storage of~~] mixed municipal solid waste, and recycling materials may be no closer to the street than the existing front [~~yard setback~~] of the [~~residence.~~] principle structure on the property.

(2) The location and screening of any commercial containers for the storage of mixed municipal solid waste and recycling materials must be approved in advance by the City and in accordance with land use regulations of Title 11.

(3) [~~Yard waste must be stored in bags or containers, tied in bundles or stacked in a neat, orderly manner behind the existing front yard setback of any principle structure on the property.~~] Yard waste must be prepared for collection in a manner required by the person's licensed hauler. No yard waste may be stored on the property except as allowed in Chapter 8-1600 (Composting).

(4) Yard waste, [Residential] residential containers for mixed municipal solid waste and recycling materials that are prepared for collection may be placed in one location at ground level and off the traveled roadway (such as in the driveway, or in the boulevard behind the curb) [~~at the curb~~] no sooner than 8:00 p.m. the day prior to collection. Such containers must be returned to their [~~regular~~] outside storage location no later than 10:00 p.m. on the day of collection. Upon pick up licensed haulers will be required to place empty containers off the traveled roadway.

(5) Hours for the placement of [Yard] yard waste generated by a residential household for collection purposes may be extended by the Director in event of emergency situations [~~may be placed at the curb in an orderly manner no sooner than the day prior to collection unless otherwise authorized by the City in emergency situations.~~]

Introduced this 15th day of October, 2013.

Adopted this ____ day of _____, 2013.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



City Council Regular

9.

Meeting Date: 10/15/2013

Subject: Traffic Concerns on Foley Boulevard at 117th Avenue

From: Brad Wise, Police Chief

INTRODUCTION

Council brought forward a neighborhood concern for traffic on Foley Blvd. at the Sand Creek Trail crossing.

DISCUSSION

At the last Council meeting, Councilmember Manning brought forward a resident's concern about speeding on Foley Blvd at the Sand Creek Trail crossing which creates an unsafe condition in that area. The police department plans to spend additional time in the area monitoring speeds and pedestrian right-of-way and issuing citations when appropriate. Meanwhile, the department will continue being proactive in messaging the importance of motorist awareness of crosswalks and speeds on residential streets.

The Number 1 complaint received by our police department is of "cars speeding in my neighborhood while children are everywhere!" Ironically, these speeders tend to be people who live in that very neighborhood. It shouldn't take a traffic citation to convince people to be mindful for the safety their neighbors. While our officers write nearly 10,000 traffic citations a year, tickets alone won't solve the problem. Be aware of your own speed and make a commitment to be a safer driver. Talk to the new teen driver in your house so you are sure they are not contributing to the problem. Talk to your neighbors. Involved neighbors make for great neighborhoods.

RECOMMENDATION

No action required.
