



CITY COUNCIL AGENDA
Tuesday, January 21, 2014
7:00 p.m.
Coon Rapids City Center
Council Chambers

Open Mic/Public Comment

Call to Order

Pledge of Allegiance

Roll Call

Adopt Agenda

Proclamations/Presentations

1. 2014 Coon Rapids Snowflake Days
2. Coon Rapids Business Council

Approval of Minutes of Previous Meeting

January 7, 2014 Regular Meeting

Consent Agenda

3. Approve Secondhand Goods Dealer License for Best Buy Store #540, 12633 Riverdale Blvd NW

Reports on Previous Open Mic

None

Public Hearing

4. Levy MISC 2014(1) Assessments:
 - a. Assessment Hearing, 7:00 p.m.
 - b. Cons. Resolution 14-25 Adopting 2014(1) Miscellaneous Special Assessments (Unopposed One Year)
 - c. Cons. Resolution 14-26 Adopting 2014(1) Miscellaneous Special Assessments (Unopposed Three Year)
 - d. Cons. Resolution 14-27 Adopting 2014(1) Miscellaneous Special Assessments (Unopposed Five Year)

Bid Openings and Contract Awards

None

Old Business

None

New Business

5. Cons. Site Plan Modification for Building Elevations and Additional Wall Signs and Freestanding Pylon Sign, 430 Coon Rapids Boulevard, Jack Ovick, PC 13-24
6. Cons. Introduction of Ordinance Rezoning Property from MDR to LDR2, 26XX 128th Avenue, D and J Lawrence, PC 13-25
7. Cons. Introduction of Ordinance Amending Lawful Gambling Premise Permits
8. Cons. Introduction of Ordinance Restricting Parking on University Avenue
9. Accept Proposal for Engineering Services for 2014 Sanitary Sewer Lining Program and Authorize Execution of Agreement , Project 14-11
10. Accept Proposal for Engineering Services for Reconstruction of Sanitary Sewer Lift Station No. 9, Project 14-12

Other Business

Adjourn



AI-1686

City Council Regular

Meeting Date: 01/21/2014

SUBJECT: Approval of Minutes

Attachments

1-7-14 Regular Meeting

UNAPPROVED

COON RAPIDS CITY COUNCIL MEETING MINUTES OF JANUARY 7, 2014

OPEN MIC/PUBLIC COMMENT

No one appeared.

CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of January was called to order by Mayor Tim Howe at 7:00 p.m. on Tuesday, January 7, 2014, 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 MANNING, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

COUNCIL BUSINESS

1. DESIGNATING COUNCIL SECRETARY:
 - A. CONSIDER RESOLUTION 14-1 DESIGNATING TIMESAVER OFF SITE SECRETARIAL, INC. AS COUNCIL SECRETARY FOR 2014
 - B. APPROVE ADDENDUM TO RECORDING SECRETARY SERVICE AGREEMENT
-

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT RESOLUTION NO. 14-1 DESIGNATING TIMESAVER OFF SITE SECRETARIAL, INC. AS COUNCIL SECRETARY FOR 2014; AND APPROVE ADDENDUM TO RECORDING SECRETARY SERVICE AGREEMENT.

Councilmembers Manning and Sanders requested that they be unsubscribed from emails being sent by TimeSaver. City Clerk Sorensen stated she would resolve this matter.

THE MOTION PASSED UNANIMOUSLY.

2. COUNCIL RULES OF PROCEDURE:
 - A. CONSIDER RESOLUTION 14-2 ESTABLISHING COUNCIL RULES OF PROCEDURE
 - B. CONSIDER ADDENDUM TO RESOLUTION 14-2, DEFINITIONS AND EXPLANATIONS OF CITY COUNCIL ORDER OF BUSINESS
-

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 14-2 ESTABLISHING COUNCIL RULES OF PROCEDURE; AND ADOPT THE ADDENDUM TO RESOLUTION 14-2, DEFINITIONS AND EXPLANATIONS OF CITY COUNCIL ORDER OF BUSINESS.

Councilmember Koch encouraged residents to review the Rules of Procedure on the City's website as they help outline Council meeting procedures.

THE MOTION PASSED UNANIMOUSLY.

3. CONSIDER RESOLUTION 14-3 DESIGNATING THE COON RAPIDS HERALD AS THE OFFICIAL NEWSPAPER FOR 2014
-

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 14-3 DESIGNATING THE COON RAPIDS HERALD AS THE OFFICIAL NEWSPAPER FOR 2014. THE MOTION PASSED UNANIMOUSLY.

4. CONSIDER RESOLUTION 14-4 DESIGNATING DEPOSITORIES AND INVESTMENT COLLATERAL MANAGEMENT PROCEDURES
-

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 14-4 DESIGNATING DEPOSITORIES AND INVESTMENT COLLATERAL MANAGEMENT PROCEDURES. THE MOTION PASSED UNANIMOUSLY.

5. COUNCIL APPOINTMENTS:
 - A. ADOPT RESOLUTION 14-5 APPOINTING CHIEF OF POLICE AND ONE OTHER VOTING MEMBER AND ALTERNATE TO THE ANOKA COUNTY JOINT LAW ENFORCEMENT COUNCIL
 - B. ADOPT RESOLUTION 14-6 APPOINTING A DELEGATE AND ALTERNATE TO THE ANOKA-HENNEPIN DISTRICT 11 COMMUNITY EDUCATION ADVISORY COUNCIL
 - C. ADOPT RESOLUTION 14-7 APPOINTING A DELEGATE AND ALTERNATE TO METRO CITIES
 - D. ADOPT RESOLUTION 14-8 APPOINTING A DELEGATE AND ALTERNATE TO THE LEAGUE OF MINNESOTA CITIES
 - E. ADOPT RESOLUTION 14-9 APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE LOCAL GOVERNMENT INFORMATION SYSTEMS (LOGIS)
 - F. ADOPT RESOLUTION 14-10 APPOINTING REPRESENTATIVES AND ALTERNATE TO THE MINNESOTA METRO NORTH TOURISM (TWIN CITIES GATEWAY)
 - G. ADOPT RESOLUTION 14-11 APPOINTING TWO MEMBERS AND ALTERNATE TO THE SCHWAN'S SUPER RINK JOINT BOARD
 - H. ADOPT RESOLUTION 14-12 APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE NORTHSTAR CORRIDOR DEVELOPMENT AUTHORITY
 - I. ADOPT RESOLUTION 14-13 APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE NORTH METRO CROSSING COALITION
-

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 14-5 APPOINTING CHIEF OF POLICE, COUNCILMEMBER STEVE WELLS AND ALTERNATE BRUCE SANDERS TO THE ANOKA COUNTY JOINT LAW ENFORCEMENT COUNCIL. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 14-6 APPOINTING DENISE KLINT AND ALTERNATE RON MANNING TO THE ANOKA-HENNEPIN DISTRICT 11 COMMUNITY EDUCATION ADVISORY COUNCIL. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT RESOLUTION NO. 14-7 APPOINTING PAUL JOHNSON AND ALTERNATE JERRY KOCH TO METRO CITIES. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KOCH, TO ADOPT RESOLUTION NO. 14-8 APPOINTING PAUL JOHNSON AND ALTERNATE DENISE KLINT TO THE LEAGUE OF MINNESOTA CITIES. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 14-9 APPOINTING CITY MANAGER STEVE GATLIN AND IT MANAGER DAVE SACHS TO THE LOCAL GOVERNMENT INFORMATION SYSTEMS (LOGIS). THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT RESOLUTION NO. 14-10 APPOINTING REPRESENTATIVES CITY MANAGER STEVE GATLIN, JERRY KOCH AND ALTERNATE PAUL JOHNSON TO THE MINNESOTA METRO NORTH TOURISM (TWIN CITIES GATEWAY). THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 14-11 APPOINTING MAYOR TIM HOWE, STEVE WELLS AND ALTERNATE BRUCE SANDERS TO THE SCHWAN'S SUPER RINK JOINT BOARD. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 14-12 APPOINTING BRUCE SANDERS AND ALTERNATE MAYOR TIM HOWE TO THE NORTHSTAR CORRIDOR DEVELOPMENT AUTHORITY. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 14-13 APPOINTING BRUCE SANDERS AND ALTERNATE MAYOR TIM HOWE TO THE NORTH METRO CROSSING COALITION. THE MOTION PASSED UNANIMOUSLY.

6. BOARD AND COMMISSION APPOINTMENTS:
 - A. ADOPT RESOLUTION 14-14 APPROVING ANNUAL APPOINTMENTS TO THE ARTS COMMISSION
 - B. ADOPT RESOLUTION 14-15 APPROVING ANNUAL APPOINTMENTS TO THE BOARD OF ADJUSTMENT AND APPEALS
 - C. ADOPT RESOLUTION 14-16 APPROVING ANNUAL APPOINTMENTS TO THE POLICE AND FIREFIGHTER'S CIVIL SERVICE COMMISSION
 - D. ADOPT RESOLUTION 14-17 APPROVING ANNUAL APPOINTMENTS TO

- THE HISTORICAL COMMISSION
- E. ADOPT RESOLUTION 14-18 APPROVING ANNUAL APPOINTMENTS TO THE PARKS COMMISSION
 - F. ADOPT RESOLUTION 14-19 APPROVING ANNUAL APPOINTMENTS TO THE PLANNING COMMISSION
 - G. ADOPT RESOLUTION 14-20 APPROVING ANNUAL APPOINTMENTS TO THE SAFETY COMMISSION
 - H. ADOPT RESOLUTION 14-21 APPROVING ANNUAL APPOINTMENTS TO THE SUSTAINABILITY COMMISSION
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The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 14-14 APPROVING ANNUAL APPOINTMENTS TO THE ARTS COMMISSION. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 14-15 APPROVING ANNUAL APPOINTMENTS TO THE BOARD OF ADJUSTMENT AND APPEALS. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KOCH, TO ADOPT RESOLUTION NO. 14-16 APPROVING ANNUAL APPOINTMENTS TO THE POLICE AND FIREFIGHTER'S CIVIL SERVICE COMMISSION. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 14-17 APPROVING ANNUAL APPOINTMENTS TO THE HISTORICAL COMMISSION. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT RESOLUTION NO. 14-18 APPROVING ANNUAL APPOINTMENTS TO THE PARKS COMMISSION. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 14-19 APPROVING ANNUAL APPOINTMENTS TO THE PLANNING COMMISSION. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 14-20 APPROVING ANNUAL APPOINTMENTS TO THE SAFETY COMMISSION. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT RESOLUTION NO. 14-21 APPROVING ANNUAL APPOINTMENTS TO THE

SUSTAINABILITY COMMISSION.

Mayor Howe encouraged residents interested in sustainability to contact City Hall for further information regarding the Sustainability Commission as this group currently has vacancies.

THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

DECEMBER 17, 2013, COUNCIL MEETING

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER WELLS, FOR APPROVAL OF THE MINUTES OF THE DECEMBER 17, 2013, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA/INFORMATIONAL BUSINESS

7. AUTHORIZE EXPENDING DRUG FORFEITURE FUNDS TO REPLACE FITNESS EQUIPMENT AND RELATED ROOM IMPROVEMENTS IN POLICE DEPARTMENT
8. AUTHORIZE FINAL PAYMENT, STREET RECONSTRUCTION, BLACKFOOT STREET, PROJECT 13-4
9. CONSIDER 14-22 ADOPTING THE MULTI-JURISDICTIONAL ANOKA COUNTY ALL-HAZARD MITIGATION PLAN
10. CONSIDER RESOLUTION 14-23 MISCELLANEOUS ASSESSMENT DECLARING THE COST TO BE ASSESSED, ORDERING PREPARATION OF THE PROPOSED ASSESSMENT ROLL AND ORDERING THE PUBLIC HEARING

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED.

Councilmember Manning questioned how much the City received in drug forfeitures last year. Police Chief Wise reported the City took in \$3,353.88 in drug forfeitures in 2013.

THE MOTION PASSED UNANIMOUSLY.

REPORTS ON PREVIOUS OPEN MIC

None.

PUBLIC HEARING

None.

OLD BUSINESS

None.

NEW BUSINESS

**11. CONSIDER APPROVAL OF SIXTH AMENDMENT TO LEASE AGREEMENT,
 BUNKER HILLS GOLF COURSE RESTAURANT AND CATERING PROVIDER,
 POTLUCK CATERING, INC., D/B/A TOWN AND COUNTRY CATERERS**

The Staff report was shared with Council.

Councilmember Koch questioned if this amendment would have to be reviewed on a yearly basis. City Manager Gatlin stated the current amendment would have the pay ahead provision and that in 2015 this provision would go away.

Councilmember Sanders reported Mr. Hines did not request any decrease in rent, utilities, or other obligations through this new lease amendment.

**MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER SANDERS,
TO APPROVE THE SIXTH AMENDMENT TO THE LEASE AGREEMENT, BUNKER HILLS
GOLF COURSE RESTAURANT AND CATERING PROVIDER, POTLUCK CATERING, INC.,
D/B/A TOWN AND COUNTRY CATERERS. THE MOTION PASSED 6-1, COUNCILMEMBER
KLINT OPPOSED.**

**12. CONSIDER RESOLUTION 14-24 ESTABLISHING BUNKER HILLS GOLF COURSE
 FEES AND CHARGES**

The Staff report was shared with Council.

Mayor Howe requested further information on the fees and charges. Golf Director Anderson reviewed the rates in further detail with the Council stating all fees would remain as is with the exception of the practice facility charges.

Mayor Howe said he looked forward to using the new practice facility.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 14-24 ESTABLISHING BUNKER HILLS GOLF COURSE FEES AND CHARGES. THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

Mayor Howe reviewed the events planned for Snowflake Days including the Mayor's Cup Golf Tournament that would be held at Bunker Hills Golf Course utilizing the golf simulators. He noted Snowflake Days would begin on January 23rd and explained that the Snowflake Days Committee was seeking old buttons, photos or other memorabilia for display purposes.

Councilmember Koch stated this was the 50th anniversary of Snowflake Days and that many special events were being planned. He encouraged all residents to take part in this year's celebration.

ADJOURN

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KOCH, TO ADJOURN THE MEETING AT 7:41 P.M. THE MOTION PASSED UNANIMOUSLY.

Approval Attestation:
Cathy Sorensen, City Clerk



AI-1695

1.

City Council Regular

Meeting Date: 01/21/2014

Subject: 2014 Snowflake Days

From: Cathy Sorensen, City Clerk

INTRODUCTION

Diane Buszta will be present to share information about the 2014 Coon Rapids Snowflake Days.

DISCUSSION

Diane Buszta will be sharing information on the many events the Snowflake Days Committee has planned for the 50th anniversary of Snowflake Days, including a Snow Sculpture Contest, Sno Ball Dance, Royalty Pageants, Children's Carnival, Senior Center Activities, and Lions Club Waffle Breakfast, and Medallion Hunts. Events begin January 23 and will conclude on February 16, 2014.

RECOMMENDATION

The community is encouraged to participate in these fun, community activities and help commemorate 50 years of this wonderful event.



AI-1664

2.

City Council Regular

Meeting Date: 01/21/2014

Subject: Coon Rapids Business Council

From: Cathy Sorensen, City Clerk

INTRODUCTION

Lori Higgins, President of the MetroNorth Chamber of Commerce, will be present to invite the Council to the newly-formed Coon Rapids Business Council.

DISCUSSION

The MetroNorth Chamber, in collaboration with the cities of Blaine and Coon Rapids, are launching the Blaine and Coon Rapids Business Councils. The goal is to bring the right people together, to talk about the right topics, and to strengthen the cities through mutual advocacy, education and information. Agenda items will cover updates from the city, schools, and chamber, as well as relevant economic activity. Businesses are encouraged to attend.

Each Council will meet quarterly in their respective city. The Coon Rapids Business Council will meet at the Bunker Hills Club House from 7:30-9 am on February 27, May 29, August 28, and November 20. Interested persons can contact Lori Higgins for more information.

RECOMMENDATION

The Coon Rapids Business Council meeting dates will be included on the City's website, cable television, and other avenues.



AI-1665

3.

City Council Regular

Meeting Date: 01/21/2014

Subject: Secondhand Goods Dealer License for Best Buy Store #540 Located at 12633 Riverdale Blvd NW

From: Vincent Vu, Management
Analyst/Deputy Clerk

INTRODUCTION

Robert Miller, on behalf of Best Buy Stores LP, has submitted an application for a Secondhand Goods Dealer License for Best Buy Store #540 located at 12633 Riverdale Blvd NW.

DISCUSSION

Best Buy Stores LP is applying for a Secondhand Goods Dealer license. As per City Code 5-2600, Council has the authority to grant or deny the application. All officers are undergoing the background investigation by the Coon Rapids Police Department. The City has received the required \$5,000 Surety Bond. All fees have been paid.

RECOMMENDATION

Council is requested to approve the Secondhand Goods Dealer License for Best Buy Store #540 located at 12633 Riverdale Blvd NW pending a satisfactory background investigation.



AI-1679

4.

City Council Regular

Meeting Date: 01/21/2014

Subject: Levy MISC 2014(1) Assessments

Submitted For: Sharon Legg, Finance Director

From: Heidi Cederstrand, Assessment Clerk II

INTRODUCTION

After an assessment hearing, the unopposed 2014 Miscellaneous Special Assessments should be adopted.

DISCUSSION

The amount to be assessed for the 2014(1) Miscellaneous Assessments is \$150,799.07 as of January 13, 2014. The amount reflects payments and adjustments that have been made since January 7, when the assessment hearing date was set. An updated amount will be distributed on January 21, and the affected Resolutions will be completed at that time.

As you know, the revised process of hearing assessment appeals will include a hearing before the Board of Adjustment and Appeals before City Council adoption. The City Council still must open a public hearing as required by State Statutes. However, at that hearing the City Council should collect written appeals and refer appellants to the Board of Adjustment and Appeals for their review and recommendation. After the public hearing has been closed, the City Council may adopt the assessments which have not been appealed.

The Board of Adjustment and Appeals is expected to meet on February 6 and will make a recommendation to the City Council at the February 18 Council meeting.

The terms of re-payment of these assessments are determined by the amount being assessed. The proposed assessments are categorized by the number of years to be assessed and the interest rate recommended. Amounts up to \$1,000 will be payable in one year, amounts up to \$5,000 will be three years and amounts up to \$10,000 will be five years.

RECOMMENDATION

Staff recommends the following action by the Council:

- a. Hold assessment hearing to collect written appeals.
- b. Adopt Resolution 14-25 adopting 2014(1) Miscellaneous Special Assessments (unopposed one year).
- c. Adopt Resolution 14-26 adopting 2014(1) Miscellaneous Special Assessments (unopposed three year).
- d. Adopt Resolution 14-27 adopting 2014(1) Miscellaneous Special Assessments (unopposed five year).

Attachments

Res. Misc. 2014(1)-1 Yr.

Res. Misc. 2014(1)-3 Yr.

Res. Misc. 2014(1)-5 Yr.



RESOLUTION NO. 14-25

**RESOLUTION ADOPTING 2014(1) MISCELLANEOUS SPECIAL ASSESSMENTS
(ONE YEAR)**

WHEREAS, pursuant to property notice duly given as required by law, the City Council has met and heard and passed upon all objections to the proposed assessment for the nonpayment of invoices; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota that

1. Such proposed assessment, a copy of which is attached hereto and made a part thereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessments shall become payable in annual installments, commencing with the first Monday in January 2015, and shall bear interest at the rate of 1.40% per annum from the date of the adoption of this assessment resolution. To the installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2014. The total amount of the one-year assessment is \$

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the Director of the Anoka County Records and Taxation Division (but no later than November 14, 2014), pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within thirty (30) days from the adoption of this resolution. He/she may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued through the date of payment. However, such payment must be made no later than November 14 or interest will be charged through December 31 of the next succeeding year.

4. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Property Records and Taxation Division to be extended on the proper tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the Coon Rapids City Council this 21st day of January 2014.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk

RESOLUTION NO. 14-26

**RESOLUTION ADOPTING 2014(1) MISCELLANEOUS SPECIAL ASSESSMENTS
(THREE YEAR)**

WHEREAS, pursuant to property notice duly given as required by law, the City Council has met and heard and passed upon all objections to the proposed assessment for the nonpayment of invoices; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota that

1. Such proposed assessment, a copy of which is attached hereto and made a part thereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessments shall become payable in annual installments, commencing with the first Monday in January 2015, and shall bear interest at the rate of 1.86% per annum from the date of the adoption of this assessment resolution. To the installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2015. The total amount of the three-year assessment is \$

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the Director of the Anoka County Records and Taxation Division (but no later than November 14, 2014), pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within thirty (30) days from the adoption of this resolution. He/she may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued through the date of payment. However, such payment must be made no later than November 14 or interest will be charged through December 31 of the next succeeding year.

4. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Property Records and Taxation Division to be extended on the proper tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the Coon Rapids City Council this 21st day of January 2014.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk

RESOLUTION NO. 14-27

**RESOLUTION ADOPTING 2014(1) MISCELLANEOUS SPECIAL ASSESSMENTS
(FIVE YEAR)**

WHEREAS, pursuant to property notice duly given as required by law, the City Council has met and heard and passed upon all objections to the proposed assessment for the nonpayment of invoices; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota that

1. Such proposed assessment, a copy of which is attached hereto and made a part thereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessments shall become payable in annual installments, commencing with the first Monday in January 2015, and shall bear interest at the rate of 2.76% per annum from the date of the adoption of this assessment resolution. To the installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2015. The total amount of the five-year assessment is \$

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the Director of the Anoka County Records and Taxation Division (but no later than November 14, 2014), pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within thirty (30) days from the adoption of this resolution. He/she may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued through the date of payment. However, such payment must be made no later than November 14 or interest will be charged through December 31 of the next succeeding year.

4. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Property Records and Taxation Division to be extended on the proper tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the Coon Rapids City Council this 21st day of January 2014.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



AI-1670

5.

City Council Regular

Meeting Date: 01/21/2014

Subject: PC 13-24 Site Plan Modification: Building Elevations and Additional Wall Signs and Freestanding Pylon Sign - 430 Coon Rapids Boulevard, Jack Ovick.

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting site plan approval to change the building elevations and add a pylon sign. The building elevations were approved by the City in 2001 as part of the site plan approval and conditional use permit for the convenience store. The existing monument sign was approved in 2002. Additionally, the applicant is requesting design and use flexibility to enable additional signage on the site and building.

DISCUSSION

Background

In 2001 the City approved a site plan and conditional use permit for a convenience store and carwash. In 2009 the City approved changes to the carwash that converted it to a drive thru window for a future restaurant. The applicant completed most of the remodeling; however, the new tenant, Steak and Shake restaurant, would like to brand the building and incorporate their corporate colors and signage into the exterior of the building.

Additionally, the applicant is requesting design and use flexibility regarding signage. They are requesting additional wall signage and a second freestanding pylon sign. Typically, variances are required for additional signage; however, because this site is in a PORT, the more appropriate avenue for relief is use and design flexibility.

Changes to the Exterior of the Building

The applicant is proposing to install facade changes to their building at 430 Coon Rapids Boulevard. The property is in Port Evergreen and is within the River Rapids Overlay District. The existing concrete block exterior will be not be changed. The newly exposed walls of the old carwash will be stucco to match the existing block walls. The proposed changes affect the fascia on the east, west, north and south sides. The applicant is proposing to change the color from white to red and black, and raise portions of it to accommodate new signage. The changes were compared to the applicable design guidelines found in Section 11-1003.11

The applicant is not proposing to change the type of materials used on the fascia; the existing fascia consists of white metal panels. However, they are proposing to change the color from white to red and black to match the corporate colors. They are also modifying the shape of the canopy on the front elevation and adding a raised portion to the fascia on the north and rear elevations. The roof will be repainted a light grey. The proposed materials are consistent with the design guidelines found in Section 11-1003.11.

East or Front Elevation

The changes proposed for this elevation include squaring off the triangle canopy above the front doors. The existing white fascia band and new canopy will be covered with red metal panels with a black band one foot wide

below the red panels.

North Elevation or Coon Rapids Boulevard Side

The changes proposed for this elevation include increasing the fascia height three feet over a 27 foot section to accommodate signage. The fascia along the entire side will be changed to the corporate red and black bands.

West Elevation or Highway 610 Side

The changes proposed for this elevation include increasing the fascia height eight feet above the drive thru window, changing the fascia color to red and black, and adding the red metal panel on the wall surrounding the drive thru window. The changes to the fascia are continued across the entire facade.

South Elevation facing the Motel

The changes proposed for this elevation include changing the fascia to the corporate red and black. No other changes are proposed for this side.

Signage

The applicant is requesting use and design flexibility regarding additional wall signs and a second freestanding pylon sign.

Wall Signs

Code allows unlimited number of wall signs not to exceed two walls per building. The size is limited to 80 square feet or 10% of the wall area to which it is attached, whichever is greater. The applicant is proposing wall signs on three walls, the front side, Coon Rapids Boulevard side and the Highway 610 side. They are proposing wall signage on three walls so that the business is visible from Highway 610 and Coon Rapids Boulevard. The sign area is in compliance with code. However, the number of walls on which the signage is proposed is three, exceeding the number allowed by code. **Use flexibility**, with respect to the number walls on which the signs are located, is being requested. It may be granted if the applicant demonstrates the following:

- (a) The modification significantly advances the intent of this Section;
- (b) The modification is necessary to develop the property in an efficient, well-organized way; and
- (c) The plan provides significant site amenities, buffers, and other elements to offset any potential harmful effects that could be caused by the use.

Freestanding Sign

The applicant is proposing a 40-50 foot tall freestanding pylon sign along Coon Rapids Boulevard adjacent to the Highway 610 exit ramp. The applicant is requesting the pylon sign to gain visibility from Highway 610 and better visibility from Coon Rapids Boulevard. Code allows one monument sign per property. There is an existing monument sign along Coon Rapids Boulevard near the entrance to the site. The applicant is requesting both **use and design flexibility** regarding a second freestanding sign. Use flexibility is requested with respect to allowing a second freestanding sign, and design flexibility because a pylon sign is proposed.

Use flexibility may be granted if the applicant demonstrates the following:

- (a) The modification significantly advances the intent of this Section;
- (b) The modification is necessary to develop the property in an efficient, well-organized way; and
- (c) The plan provides significant site amenities, buffers, and other elements to offset any potential harmful effects that could be caused by the use.

Design flexibility may be approved provided the applicant demonstrates an alternative approach to meeting the

design standards is necessary to respond to site conditions, will result in better integration of uses or additional public amenities, and will further the intent of this Section.

Planning Commission Meeting

At the Planning Commission meeting held on December 19 no one spoke at the public hearing. The applicant gave a presentation highlighting why they believed they needed the additional signage.

Building Elevations

The proposed changes to the building elevations were acceptable to the Planning Commission. There was some discussion regarding the proposed screening fence around the utilities boxes. The applicant was proposing chain link with plastic slats, the Commission asked for material that was more consistent with the building such as wood, vinyl or stone. They also discussed the need to paint the roof of the canopy so that it matched the roof of the building, per the River Rapids Overlay design standards. The Commission voted 5:0 to recommend approval of the building elevations with conditions.

Signage

Wall Signs

The Commission voted 5:0 to recommend approval of the three wall signs. They believed that the applicant met the criteria needed for use flexibility. The applicant indicated that the wall sign on the north side of the building, facing Coon Rapids Boulevard, was going to consist of the restaurant's logo, with no lettering. The Commission's recommendation included the condition that the north wall sign be a logo only.

Freestanding Sign

The Commission voted 5:0 to recommend denial of the the request for use and design flexibility for a second freestanding pylon sign. They believed that the wall signs on three walls and the ability to use the existing monument sign was sufficient. The applicant also did not demonstrate that the proposed sign was a viable alternative approach to meeting the design standards, is necessary to respond to site conditions, will result in better integration of uses or additional public amenities, and will further the intent of this Section.

RECOMMENDATION

In Planning Case 13-24, the Commission recommended **approval** of the following:

Building Elevations with the following conditions:

1. The color of the canopy roof to match the building roof.
2. The new stucco to match the color of the existing stone.
3. Must comply with the conditions of the 2009 approval.
4. The screen fence around the utilities must be constructed of metal, stone, wood or vinyl, not chain link.

Wall Signage with the following condition:

1. The wall sign on the north elevation consist of the Steak and Shake wing logo only.

In Planning Case 13-24, the Commission recommended **denial** of the use and design flexibility for the freestanding sign based on the following findings:

1. The desire for better visibility from Highway 610 is not sufficient to meet the standards for granting design and use flexibility.
 2. The applicant has also not demonstrated how the proposed sign will respond to site site conditions, better integrate uses or add public amenities, or advance the intent of the code.
-

Attachments

Location Map

Existing Front Elevation

Existing Rear Elevation

Existing Side Elevation

Proposed Elevations

Site Plan with Proposed Sign Location

Applicant's Narrative

Location Map





DONUT AND COFFEE ONLY \$1.75

BEER PROPANE

OPEN

610 EXPRESS
430 Coon Rapids Blvd.
763-780-8484

ATM HERE

10/01/2013 14:20



10/08/2013 14:59



SAVE UP TO 15% GAL
ASK INSIDE FOR DETAILS

10/07/2013 10:38



DRAWINGS BY
MARCUS RT/LAND



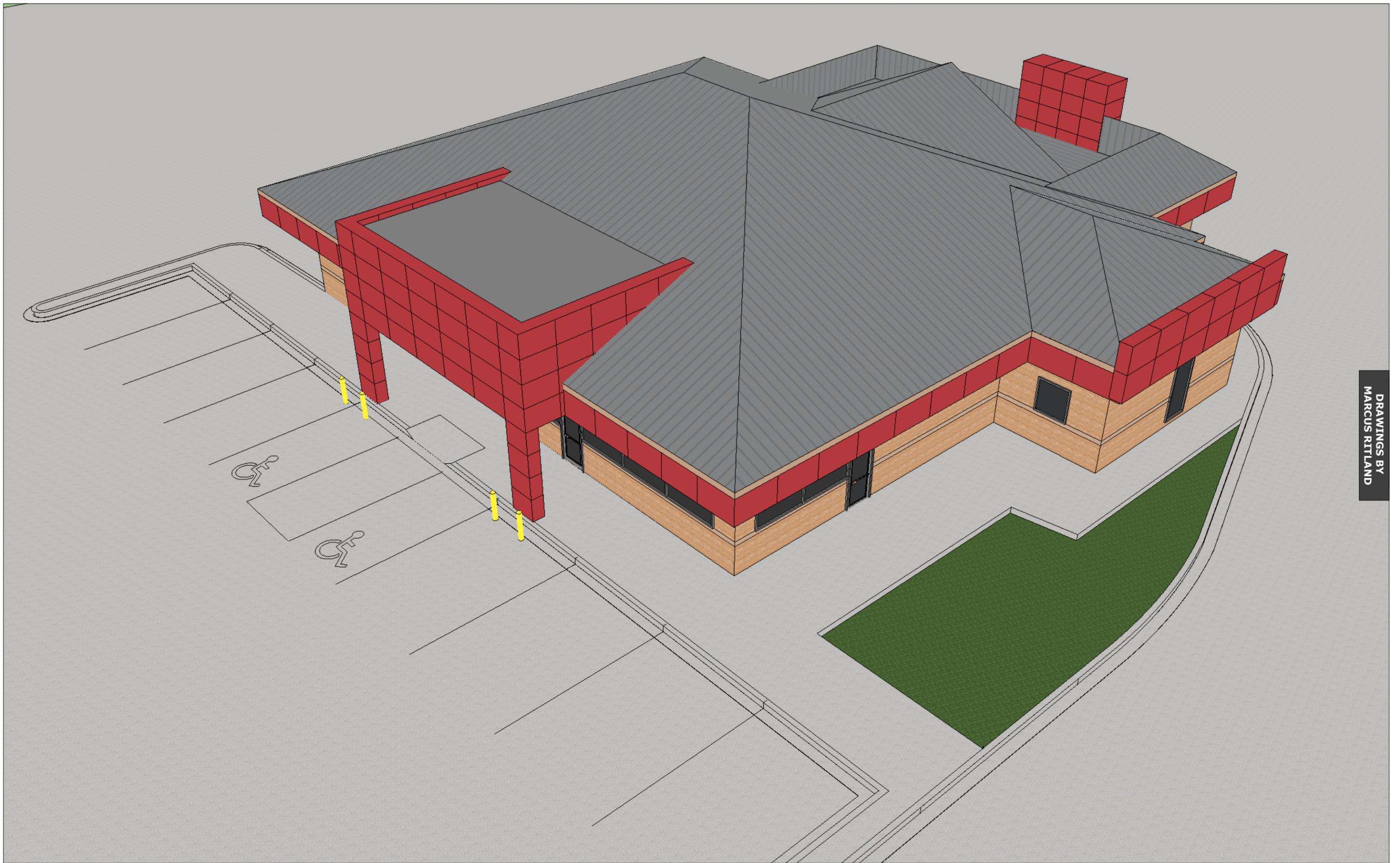
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MARCUS RITLAND



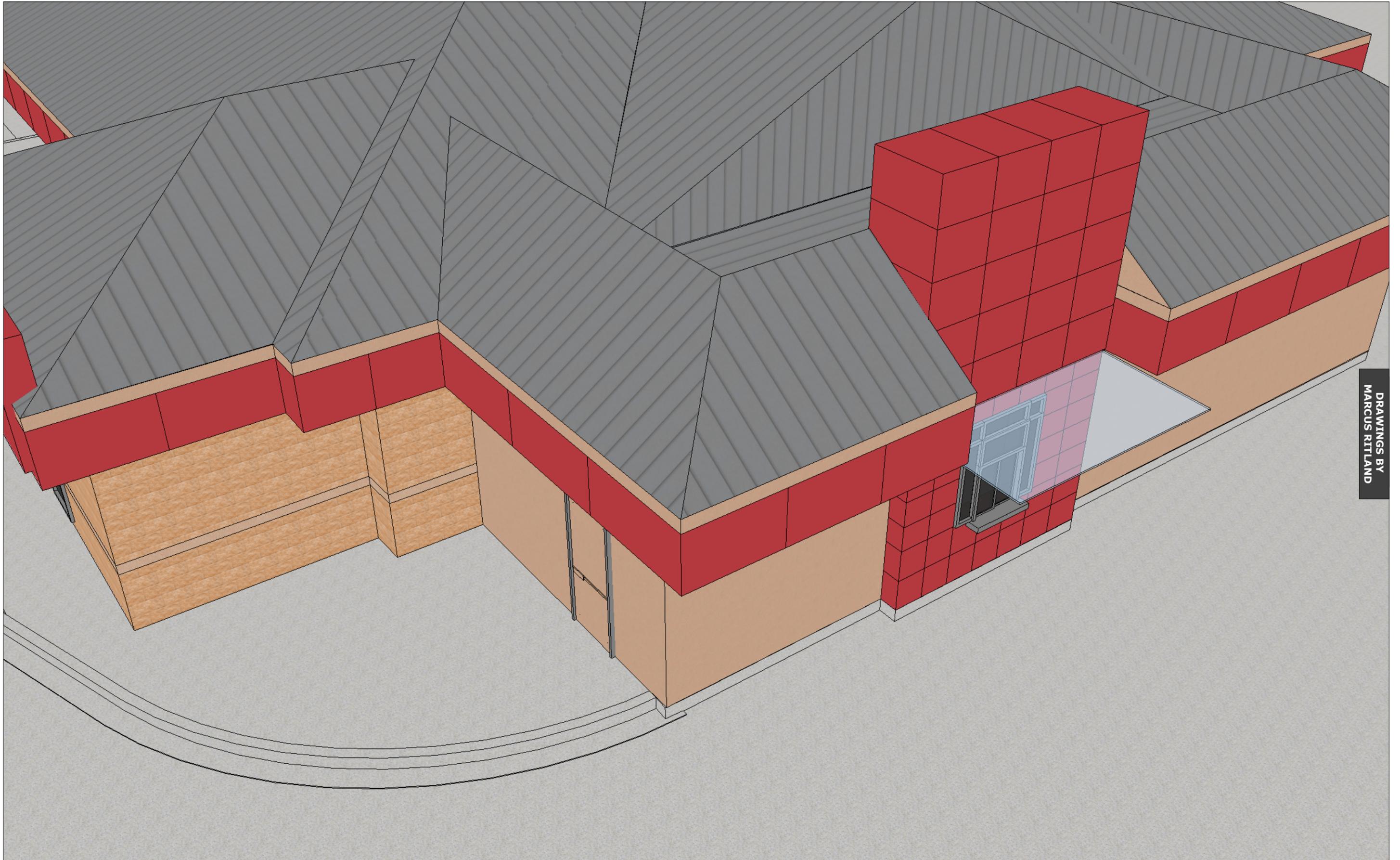
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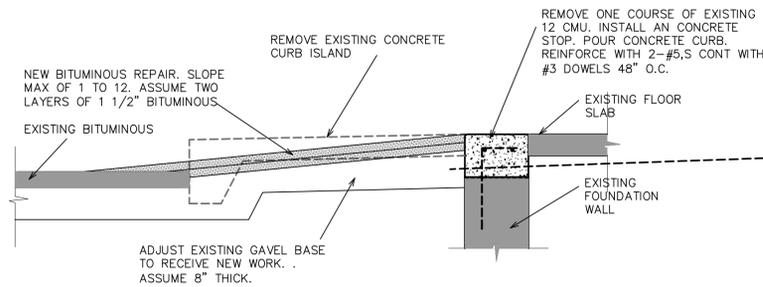
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MARCUS RITLAND



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MARCUS RT/LAND

SITE PLAN KEY NOTES

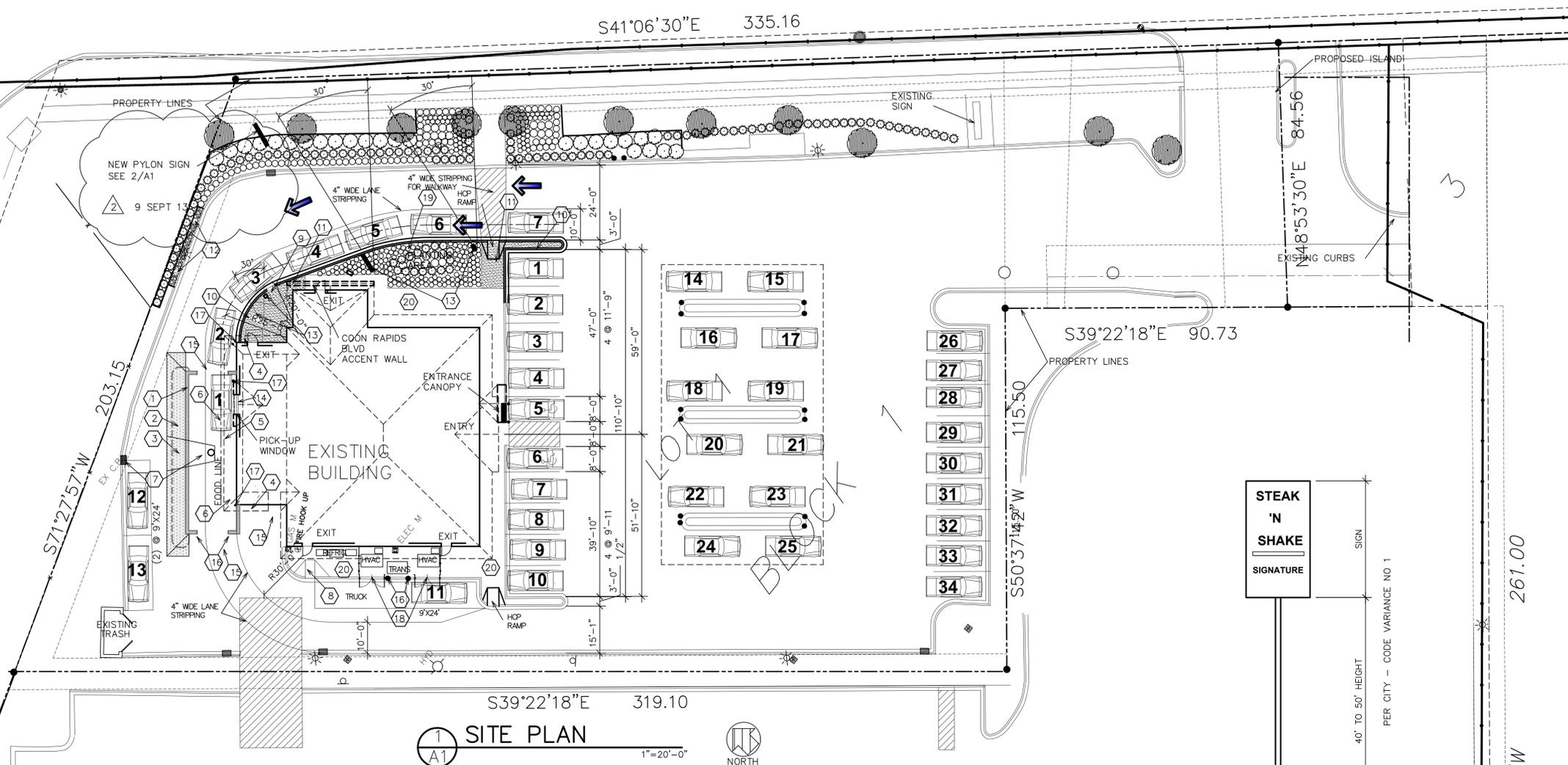
- 1 EXISTING CONDITION IS TOP OF OLD FOUNDATION WALL IS FLUSH WITH EXISTING FLOOR SLAB. REMOVE ONE EXISTING 12" BLOCK COURSE. POUR CONCRETE STRIP IN TRENCH. MAKE MINOR SLOOPS TO FINISH FLUSH WITH ADJACENT SURFACES. TRENCH SHOWN SHADED.
- 2 REMOVE EXISTING CONCRETE CURB ISLAND. REPLACE WITH BITUMINOUS SLOPING UP TO TOP OF THE NEW POURED CURB. APPROXIMATELY 6" +/- . SEE DETAIL 2/A1.
- 3 PROVIDE A BITUMINOUS TRENCH CONTINUATION OF THE CONCRETE TRENCH AS NOTED BELOW.
- 4 24" ROOF OVERHANG LINE
- 5 4'-0" ROOF OVERHANG LINE
- 6 EXISTING CAR WASH SLAB REMAINS
- 7 EXISTING WASH SLAB DRAINS TO A MIDDLE DRAIN SYSTEM. EXISTING DRAIN TO BE CLOSED UP. FROM EXISTING DRAIN, CUT TRENCH IN EXISTING SLAB. POUR NEW CONCRETE TRENCH SO WATER RUNS TO EXISTING CURB DRAIN.
- 8 CUT OUT CONCRETE WALK TO CONSTRUCT NEW HANDICAP CURB RAMP. 1 TO 12 RAMP SLOPE - 1 TO 10 SIDE SLOPE.
- 9 HANDICAP CURB RAMP / SLAB - 1 TO 12 RAMP SLOPE / 1 TO 10 SIDE SLOPE. TAPER SLAB TO 1 TO 20 TO NEW STOOP PER DETAIL J8 ON S1.1.
- 10 NEW CONCRETE CURB (SHOWN DARKER)
- 11 REMOVE EXISTING CONCRETE DRIVE, WALK AND/OR BITUMINOUS TO CONSTRUCT NEW DRIVE AND CONCRETE WALK AREA
- 12 REMOVE EXISTING VACUUMS
- 13 ORDER BOARD & SPEAKER BOX PER SP001 & SP002. MAXIMUM ANGLE OF 60 DEGREES TO COON RAPIDS BLVD.
- 14 PICK UP WINDOW
- 15 EXISTING CONCRETE APRON REMAINS
- 16 EXISTING BOLLARDS AT TRANSFORMER TO REMAIN. BOLLARDS AT CAR WASH TO BE CUT FLUSH W/ SLAB, GRIND SMOOTH, PATCH.
- 17 NEW BOLLARD
- 18 NEW CHAIN LINK FENCE 6'-0" HI WITH METAL SLATS, 8'-0" CHAIN LINK GATE WITH SLATS. PROVIDE LOCKABLE HARDWARE.
- 19 REMOVE EXISTING CONCRETE AND BITUMINOUS DRIVE AS REQUIRED TO INSTALL NEW LANDSCAPE AREA. LANDSCAPE N.I.C.
- 20 EXISTING SIDEWALK AND CURB



2 **A1** **DETAIL**
3/4"=1'-0"

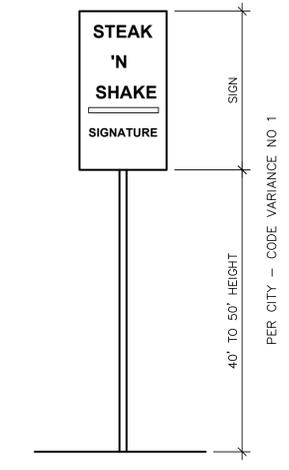
COON RAPIDS BLVD. (C.S.A.H. NO. 3)

STATE TRUNK HIGHWAY NO. 610 RAMP



1 **A1** **SITE PLAN**
1"=20'-0"

2 **A1** **NEW PYLON SIGN**
NO SCALE



9 SEPT 13

SIGN CONTRACTOR TO SUBMIT PER SIGN CODE

CONSTRUCTION CONSULTANTS, INC.
6433 RYAN AVE. SOUTH
MINNEAPOLIS, MN 55435
(612) 998-4890 FAX (952) 285-6400

RENOVATIONS FOR:
SHELL GAS STATION, CONVENIENCE STORE AND STEAK 'N SHAKE
COON RAPIDS BLVD., COON RAPIDS, MN 55433

Date 9 SEPT 13 Reg. No. 9352
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota

SITE PLAN
comm:09/22/13 date:09/30/13
drawn:WALL checked:JLO
revised: 9 SEPT 2013

A
1

S50°37'42"W 261.00
S50°37'42"W 115.50
S39°22'18"E 90.73
S41°06'30"E 335.16
S39°22'18"E 319.10
S71°27'57"W 203.15
S48°53'30"E 84.56

Construction Consultants, Inc.

NARRATIVE – REVISED REQUESTED USE AND DESIGN FLEXIBILITY

- A. Entrance canopy accent wall & signage (three walls)
- B. Pick-up window accent wall & signage (three walls)
- C. Coon Rapids accent fascia & signage (three walls)

NARRATIVE

1. SITE CONDITIONS
ALTERNATIVE APPROACH

The location of 610 and the 610 ramp are unique to the site. Trees and foliage block the view of the food business from 610 ramp, the gas canopy on the south, and the 3 story motel with 2 pylon signs create a distraction to branding the food business proposed in the dated building. The modification significantly advances the intent of this section.
2. THE MODIFICATION IS
NECESSARY TO DEVELOP THE
PROPERTY IN AN EFFICIENT,
WELL ORGANIZED WAY.

The addition of three visible elements, with food business identity color and lettering, will make reasonable use of the property. In addition to the food business branding, the owner proposes to re-finish the entire roof to a neutral (gray) color, and screen the equipment on the side of the building adjacent to the motel.
3. DESIGN STANDARD FLEXIBILITY

The proposed improvements would develop the property with significant amenities in a well-organized manner. No potential harmful effects would be experienced by the port authority.



AI-1671

6.

City Council Regular

Meeting Date: 01/21/2014

Subject: PC 13-25, Introduction of Ordinance rezoning property from MDR to LDR2, 26XX 128th Avenue, D and J Lawrence

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting the introduction of an ordinance rezoning certain property from Moderate Density Residential (MDR) to Low Density Residential 2 (LDR2). The zone change is needed so that the zoning is consistent with the land use designation and so it can be included in a proposed single family lot subdivision. The applicant is also requesting preliminary plat approval for a 10 lot single family residential development that the Council will be considering at the February 5th meeting.

DISCUSSION

Background

The applicant owns 17.2 acres on the south side of 128th Avenue, west of Coon Creek Boulevard. Most of the property is zoned LDR2; however, 1.49 acres along 128th Avenue is zoned MDR. The applicant is requesting that the portion of their property that is currently zoned MDR be changed to LDR2. The area to be rezoned is included in a subdivision request to plat 10 single family lots along 128th Avenue. The subject property has a land use designation of Low Density Residential.

Analysis

Prior to 1990 the property was zoned LDR2. Between May of 1990 and February of 1992 the property was rezoned to MDR. The MDR zone includes most of the church property to the east and a small portion of their applicant's property. The proposed rezoning would accomplish three things; it will make the zoning consistent with land use designation, solve the issue of split zoning, the entire 17 acres of the applicant's property will be zoned LDR2 and the rezoning will allow the property to be included in the proposed single family lot subdivision.

Planning Commission Meeting

At the Planning Commission meeting held on December 19th, no one spoke at the public hearing. The Commission voted 5:0 to recommend approval of the proposed rezoning.

RECOMMENDATION

In Planning Case 13-25, the City Council **introduce** the attached ordinance **approving** the proposed rezoning based on the following findings:

1. The proposed rezoning to Low Density Residential 2 is consistent with the land use designation of Low Density Residential.
2. The proposed rezoning is compatible with the adjacent land uses and zoning.
3. The proposed rezoning would not have an adverse impact on the area.

Attachments

Location Map

Zoning Map

Land Use Map

Proposed Ordinance

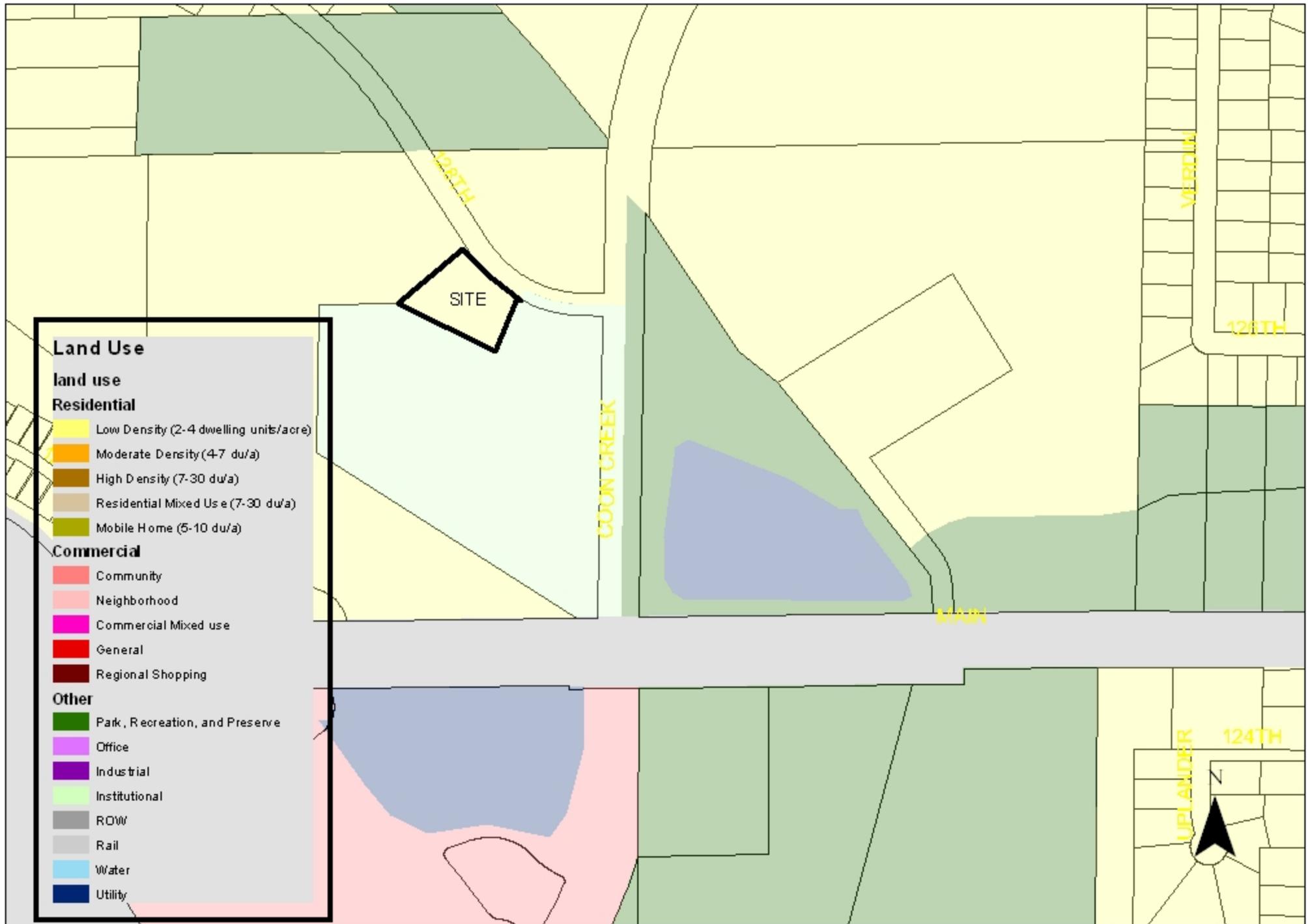
Location Map



Zoning Map



Land Use Map



ORDINANCE NO.

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF
THE CITY OF COON RAPIDS SO AS TO PROVIDE CHANGES
IN THE ZONING CLASSIFICATION (PC 13-25)**

The City of Coon Rapids does ordain:

Section 1. The official zoning map of the City of Coon Rapids is hereby amended to change the classification of the following described property from Moderate Density Residential (MDR) to Low Density Residential 2 (LDR2):

That part of the Southwest Quarter of the Southeast Quarter of Section 4, Township 31, Range 24, Anoka County, Minnesota, described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence South 89 degrees 19 minutes 04 seconds West, assumed bearing along the South line of said Southeast Quarter, a distance of 1380.19 feet; thence North 0 degrees 57 minutes 25 seconds East, a distance of 911.99 feet; thence North 89 degrees 02 minutes 45 seconds West, a distance of 114.01 feet; thence Northwesterly a distance of 161.00 feet along a curve to be hereinafter referred to as "Curve A", concave to the Northeast, having a radius of 340.00 feet and a central angle of 27 degrees 07 minutes 53 seconds to a point to be hereinafter referred to as "Point B" and the point of beginning of the land to be hereinafter described; thence South 28 degrees 05 minutes 08 seconds West, not tangent to said curve, a distance of 190.00 feet; thence North 61 degrees 54 minutes 53 seconds West, a distance of 280.00 feet; thence North 27 degrees 15 minutes 38 seconds East a distance of 299.61 feet to the intersection with a line to be hereinafter referred to as "Line C"; thence Southeasterly, along said reference "Line C", to said point of beginning.

"Line C" is described as follows:

Beginning at said above described reference "Point B"; thence continue Northwesterly, along the Northwesterly extension of said above described reference "Curve A", a distance of 173.64 feet; thence North 32 degrees 39 minutes 00 seconds West, tangent to said "Curve A", a distance of 396.72 feet and said line there terminating.

Introduced the 21st day of January, 2014.

Adopted on the ____ day of _____, 2014.

Tim Howe, Mayor

ATTEST:

Cathy M. Sorensen, City Clerk



AI-1698

7.

City Council Regular

Meeting Date: 01/21/2014

Subject: Lawful Gambling Premise Permits

From: Cathy Sorensen, City Clerk

INTRODUCTION

Council is asked to consider an ordinance amendment to increase the number of lawful gambling premise permits per organization to allow for the use of electronic pull-tab dispensing devices.

DISCUSSION

The Council met in a work session on December 17, 2013, to consider a request from the Coon Rapids Lions Club to increase the number of lawful gambling premise permits per organization to allow for the use of pull-tab dispensing devices.

In 2003 the number of premise permits was limited to three to allow for more diversity of organizations within the City (see attached). The Coon Rapids Lions Club applied and received a premise permit in February for MGM Liquor Warehouse, 2929 Coon Rapids Boulevard, to conduct charitable gambling utilizing pull-tab dispensing devices. Pull-tab dispensing devices dispenses paper pull-tabs without the need for a staff person. Winnings are collected through the store location clerk, thereby decreasing staffing needs to the organization.

The use of any pull-tab dispensing device is allowed under State Statute 349.1721, subdivision 3, at a permitted premises that is: (1) a licensed premises for on-sale of intoxicating liquor or 3.2 percent malt beverages; (2) a premises where bingo is conducted as the primary business; or 3) an establishment licensed for the off-sale of intoxicating liquor, other than drug stores and general food stores licensed under section [340A.405, subdivision 1](#).

The number of pull-tab dispensing devices located at any permitted premises is limited to three. The Coon Rapids Lions Club currently has two other premises permits and have reached their maximum number of sites per organization.

After discussion, Council directed staff to draft an ordinance amendment that would increase the number of premise permits per organization from three locations to five with the additional two locations utilizing pull-tab dispensing devices only.

RECOMMENDATION

Council is asked to introduce the proposed ordinance increasing the number of lawful gambling locations to five per organization with two locations limited to utilizing pull-tab dispensing devices only.

cc: Premise permit license holders

4-23-03 Work Session Item

5-6-03 Council Item

5-6-03 Council Minutes

Gambling Locations

Ordinance



TO: Mayor, City Councilmembers,
City Manager *JL*

FROM: Alden C. Hofstedt, City Attorney

SUBJECT: Limitation of Lawful Gambling
Locations

DATE: April 23, 2003

INTRODUCTION

Staff has been asked to review the possibility of limiting the number of lawful gambling locations any one organization may maintain in the City.

DISCUSSION

The original charitable gambling, now lawful gambling, legislation included a requirement that the local unit of government give prior approval to any license issued by the State for such activity. Several years ago the laws were changed to reduce a city's authority to simply approve the proposed location of a gambling activity. Cities also have some limited control over where the proceeds are to be spent.

An argument could be made that by limiting the number of locations per organization the City would be restricting who, rather than where, which usurps the authority of the State. On the other hand, the State law provides that a City may adopt more stringent regulations of these activities within its jurisdiction.

Whether this authority extends to the limitation of locations per organization is not clear. Generally, we look to the courts for an interpretation of statutes, but this issue has apparently not been raised in a court at least not to the level of an appellate court. If Council is interested in pursuing this restriction, staff can prepare an ordinance for consideration at a future Council meeting, most likely in May.

RECOMMENDATION/ACTION REQUIRED

Provide staff with direction as to whether Council wishes to pursue limiting the number of gambling locations for any one organization.

Respectfully submitted,

Alden C. Hofstedt

Alden C. Hofstedt, City Attorney



TO: Mayor, City Councilmembers,
City Manager *JF*

FROM: Alden C. Hofstedt, City Attorney

SUBJECT: Emergency Ordinance to Limit the
Number of Lawful Gambling
Locations for Each Organization

DATE: May 6, 2003

INTRODUCTION

At its April 23rd work session, Council directed staff to prepare an emergency ordinance to limit the number of lawful gambling locations any one organization may maintain in the City.

DISCUSSION

As directed by Council, the attached ordinance would limit the number of locations to three for each qualifying organization. However, any organization which has more than three locations as of May 1, 2003 would be allowed to continue operations at all those locations indefinitely, but would not be permitted to add any new locations or relocate any current operation to a new location unless they come into conformance with the three location limitation. The proposed ordinance also clarifies that if the organization has four or more locations on May 1, 2003, and then leaves that location it cannot subsequently return to that former location unless it reduces its total number of locations to no more than three. The organization would, of course, have to meet all other requirements to operate lawful gambling at a particular site, and the locations would each have to maintain their status as a qualifying premises. I believe the Lions Club, with four locations, is currently the only organization that would be immediately affected by this change, but it could have an impact on any other organization that might want to expand its activities in the future.

The ordinance is presented as an emergency ordinance to put this regulation in effect as soon as possible. An emergency ordinance requires five votes for adoption and it takes effect immediately.

The reason behind the emergency ordinance is to get the regulation in place before any organization comes forward with a new request for a premises permit. Council wants all qualifying organizations to be aware of and subject to this regulation before they proceed too far with any possible expansion plans.

If the ordinance proceeded through the standard process, it would be introduced on May 6th, adopted June 3rd, published June 6th and effective July 7th. If Council would prefer this process, the attached ordinance, with some minor revisions could be introduced rather than adopted. It would then proceed along the timetable outlined above. An applicant has 90 days after applying for a lawful gambling license in which to obtain a resolution from the City approving a proposed premises. Under the statute, the State cannot issue the license without that City resolution. Therefore, if Council does choose to proceed under the standard ordinance process it could delay action on any premises permit request until it learns whether the regulation will be adopted.

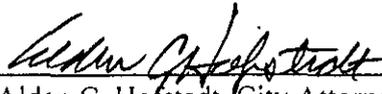
Mayor, City Councilmembers, City Manager
May 1, 2003
Page 2

As with any proposed ordinance, minor revisions can be made to an emergency ordinance before adoption. More significant changes, however, should be referred back to staff and the item tabled so that a revised ordinance can be before the Council for consideration at a later date.

RECOMMENDATION/ACTION REQUIRED

Adopt emergency ordinance establishing a limit of three on any organization's lawful gambling locations in the City, or introduce the ordinance and direct that it proceed under the standard ordinance process.

Respectfully submitted.



Alden C. Hofstedt, City Attorney

mp

cc: Gambling License Holders

ORDINANCE NO.

**AN ORDINANCE DECLARING AN EMERGENCY AS PROVIDED BY
CITY CHARTER SECTION 1-306 SO AS TO WAIVE THE WAITING
REQUIREMENTS FOR ORDINANCES UNDER CITY CHARTER
SECTIONS 1-305 AND 1-309 TO LIMIT THE NUMBER OF LAWFUL
GAMBLING PREMISES THAT ANY ONE ORGANIZATION MAY
MAINTAIN IN THE CITY; AND THEREFORE AMENDING REVISED
CITY CODE - 1982 SECTION 5-2005**

PREAMBLE:

- A. Pursuant to Minnesota Statute Section 349.213, subd. 2, and City Code Chapter 5-2000, the City Council must approve the location of a lawful gambling operation before the State Gambling Control Board can issue a lawful gambling license to a qualifying organization.
- B. Minnesota Statutes Section 349.213, subd. 1, authorizes the City to adopt more stringent regulations of lawful gambling within its jurisdiction than the State regulations.
- C. The City Council finds that organizations which conduct lawful gambling activities in the City provide valuable charitable contributions for the benefit of the citizens and the City's Trade Area.
- D. The Council also finds that the number of available lawful gambling locations in the City is limited making it difficult for some qualified organizations to find such locations.
- E. The Council also finds that it is in the best interests of the citizens of Coon Rapids and the Coon Rapids Trade Area for the available lawful gambling locations in the City to be distributed among as many of the qualified organizations as is reasonably possible.
- F. The Council further finds that an emergency ordinance is necessary to place this regulation in effect as soon as possible for the benefit of all qualifying organizations that wish to conduct lawful gambling operations in the City.

Now, therefore, the City of Coon Rapids does ordain:

Section 1. Revised City Code - 1982. Section 5-2005 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-2005 Premises Permit. No organization may obtain a new or renewal premises permit, or maintain a premises permit, unless the organization and the location of the lawful gambling activities remain in full compliance with the provisions of [the] this Chapter and all

state laws relating to lawful gambling as those laws may be amended from time to time. Only one premises permit may be issued to any particular location in the City. No organization may maintain more than three (3) lawful gambling locations in the City at one time, except that an organization operating lawful gambling activities at more than three (3) locations as of May 1, 2003, may continue to operate at those same locations pursuant to the following conditions:

(1) The organization complies with all other state and local lawful gambling laws and ordinances.

(2) Each location continues to qualify as a lawful gambling premises.

(3) No lawful gambling activity is moved to a new location unless the organization is in conformance with the three (3) location limitation.

(4) When a premises permit has lapsed or been revoked at a location for any reason, the organization may not commence operations at that location unless the organization is in conformance with the three location limitation.

Section 2. This ordinance is declared to be an emergency ordinance pursuant to Coon Rapids City Charter Section 1-306 and will take effect immediately upon adoption by a vote of at least five members of the City Council.

Adopted the 6th day of May, 2003, by a vote of ____ ayes and ____ nays.

Tim Howe, Mayor

ATTEST:

Joan A. Anderson, City Clerk

Mr. Hofstedt stated State law and City code require background checks for certain licenses. He explained those checks are typically done by the Police Department; however, Council has never officially authorized background checks to be done. He said it is recommended this authority be formalized through the adoption of the proposed emergency ordinance.

Mayor Howe asked if volunteers would include youth association coaches if they use City facilities. Mr. Hofstedt stated if the City operated an athletic department, then it would be required. He explained most athletic associations do their own background checks.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER SANDERS, FOR ADOPTION OF EMERGENCY ORDINANCE AUTHORIZING THE COON RAPIDS POLICE DEPARTMENT TO CONDUCT CRIMINAL HISTORY BACKGROUND INVESTIGATIONS OF CERTAIN APPLICANTS FOR CITY EMPLOYMENT, VOLUNTEER POSITIONS, AND LICENSES. THE MOTION PASSED UNANIMOUSLY.

12. A. CONSIDER ADOPTION OF EMERGENCY ORDINANCE CONVEYING 9943 IBIS STREET TO HOUSING AND REDEVELOPMENT AUTHORITY
 - B. CONSIDER ADOPTION OF EMERGENCY ORDINANCE CONVEYING 12551 LARCH STREET TO HOUSING AND REDEVELOPMENT AUTHORITY
-

City Attorney Hofstedt stated Council is asked to consider transferring two parcels of land to the Housing and Redevelopment Authority (HRA). He explained these two parcels were acquired as part of the City's Scattered Site Housing Program and need to be transferred to the HRA for marketing.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, FOR ADOPTION OF EMERGENCY ORDINANCE CONVEYING 9943 IBIS STREET FROM THE CITY OF COON RAPIDS TO THE HOUSING AND REDEVELOPMENT AUTHORITY AND AN EMERGENCY ORDINANCE CONVEYING 12551 LARCH STREET FROM THE CITY OF COON RAPIDS TO THE HOUSING AND REDEVELOPMENT AUTHORITY. THE MOTION PASSED UNANIMOUSLY.

13. CONSIDER ADOPTION OF EMERGENCY ORDINANCE AMENDING CITY CODE; LIMITING THE NUMBER OF LAWFUL GAMBLING PREMISES THAT ANY ONE ORGANIZATION MAY MAINTAIN IN THE CITY
-

City Attorney Hofstedt explained Council directed staff to prepare an emergency ordinance to limit the number of lawful gambling locations any one organization may maintain in the City. Mr. Hofstedt reviewed the Council's past considerations and presented the proposed ordinance limiting the number to three. He stated any current organization that has more than three locations can retain

them as long as they comply with all applicable laws and rules, maintain all locations, and stay at the same locations. He added if an operation was to relocate, they would have to comply with the three maximum. He explained the fourth condition is if an operation over the three maximum allowed were to lapse or be revoked, it could not come back.

Mr. Hofstedt noted adoption of emergency ordinances requires five affirmative votes. He explained if this is adopted, all current organizations will know the regulations up front. He added if Council would like to pursue adoption of the ordinance under regular ordinance procedures, the ordinance would not go into effect until July 7, 2003. He explained if an application is received during that time period, Council has 90 days to consider action. He added if Council does not grant approval, the State would not issue the license so the City could delay potential action on a license.

Councilmember Schulte asked if adoption of an emergency ordinance costs less. Mr. Hofstedt stated an emergency ordinance has insignificant savings. He explained timing was the larger issue.

Councilmember Wright stated in the past Council received a list of where these organizations donated their money and 10% had to be donated to organizations within the City. He asked staff to provide Council with a copy of that report.

Mr. Hofstedt explained under State law the City can require that 10% of the proceeds paid out remain within the confines of Coon Rapids. The City has said 50% of the proceeds must be distributed within the City's trade area (Coon Rapids and contiguous cities).

Mayor Howe asked if anyone in the audience wanted to speak about this emergency ordinance. No one responded.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, FOR ADOPTION OF EMERGENCY ORDINANCE TO LIMIT THE NUMBER OF LAWFUL GAMBLING PREMISES THAT ANY ONE ORGANIZATION MAY MAINTAIN IN THE CITY.

Councilmember Schulte stated he was not sure this consideration needed to be through an emergency ordinance but it sounds like this is a procedure the Council supports.

Mayor Howe stated he raised this issue because he wants more diversity of organizations.

Councilmember Sanders stated he is concerned the emergency ordinance procedure is being over used. He said if there is a need for this consideration, he would not object.

Mayor Howe stated Council gave staff this direction at the work session.

Councilmember Klint asked what procedure would be followed if an emergency ordinance is not adopted and if the Council could approve one application but not another. Mr. Hofstedt stated a third location could be requested even under the current ordinance so it would only apply if a fourth location were being requested. He stated one organization already has four locations and those can be maintained as long as they remain at those locations.

THE MOTION PASSED UNANIMOUSLY.

14. CONSIDER APPEAL OF PLANNING COMMISSION DECISION; SITE PLAN REVISION FOR TSM DEVELOPMENT, 121ST AVENUE AND HANSON BOULEVARD; PC 02-24A

Senior Planner Turner reviewed the history of this development and explained prior to Planning Commission consideration of the revised elevations, staff developed a proposal they felt would be in compliance with the first set of elevations. However, Mr. Schmitt did not want to change the plans. On April 17, 2003, the Planning Commission reviewed the revised elevation and did not think the elevations were compatible with surrounding elevations. The Planning Commission denied the revised exterior building elevations for a 12-unit townhouse development. TSM Development has appealed this decision to the City Council stating that decision was arbitrary and the Zoning Code is vague and broad on the requirement of compatibility.

Mayor Howe noted the shutters and roof treatments are not included in the revised elevations. Ms. Turner pointed out the front elevation has three types of siding material and the front doors are set back. She stated Mr. Schmitt also indicated he would add brick to the front elevations.

Planning Commissioner Greenwood stated this was approved nine months ago at which time there were concerns with the common area, parking, and adequacy of driveway length. He added based on the high quality design, the Planning Commission felt it was compatible with the neighborhood and approved it. He stated now the elevations have been revised and the Planning Commission felt the new elevations were not compatible with the neighborhood. He reviewed a new townhouse development that is under construction in the area that contains a lot of architectural elevations and detail on the front and rear elevations. He stated those rear elevations face a wooded area while these townhomes back onto a busy roadway. He stated the Planning Commission would not approve staff's revised plans and felt the original elevations should remain.

Councilmember Wright stated at the last meeting there were three conditions and asked if they address what the elevations lack. Mr. Greenwood stated that motion was made to approve staff's revised elevations and included the conditions they recommended. He added that motion failed because it was only supported by two Planning Commissioners.

COON RAPIDS GAMBLING LICENSES

January 17, 2014

Organization	Gambling Location(s)
American Legion Post #334	American Legion Post #334, 11640 Crooked Lake Boulevard
Coon Rapids Lions Club	Classic Bowl, 11707 Round Lake Boulevard The Harvest Grill, 12800 Bunker Prairie Road MGM Liquor Warehouse, 2929 Coon Rapids Blvd
Coon Rapids Mat Bandits Wrestling Club	Scoop's Pub, 482 Northdale Boulevard Shortstop, 421 Northdale Boulevard Lindee's, 3395 Coon Rapids Boulevard
Coon Rapids National Little League	The Well, 35 Coon Rapids Boulevard Willy's, 2501 Coon Rapids Boulevard
Coon Rapids Youth Hockey Association	Broadway Pizza, 3420 129 th Avenue NW Carbone's/CR Billiards, 8525 Cottonwood Street
Coon Rapids VFW Post #9625	VFW Post #9625 1919 Coon Rapids Boulevard

ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 5-2000
LAWFUL GAMBLING
THEREBY AMENDING REVISED CITY CODE – 1982 SECTION 5-2005
PREMISES PERMITS**

The City of Coon Rapids does ordain:

Section 1. Revised City Code – 1982. Section 5-2005 is hereby amended as follows:

(deletions strikethrough; additions double underlined)

5-2005 Premises Permit. No organization may obtain a new or renewal premises permit, or maintain a premises permit, unless the organization and the location of the lawful gambling activities remain in full compliance with the provisions of this Chapter and all state laws relating to lawful gambling as those laws may be amended from time to time. Only one premises permit may be issued to any particular location in the City. No organization may maintain more than ~~three~~ five lawful gambling locations in the City at one time, with two of those locations limited to the utilization of electronic pull-tab dispensing devices authorized under Minnesota State Statute. [Revised 5/6/03, Ordinance 1802][Revised 8/5/09, Ordinance 2018]

Introduced this 21st day of January, 2014.

Adopted this ____ day of _____.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



AI-1682

8.

City Council Regular

Meeting Date: 01/21/2014

Subject: Introduce Ordinance Restricting Parking on University Avenue

Submitted For: Tim Himmer, Public Works Director **From:** Cher Ridout, Admin Secretary II

INTRODUCTION

Anoka County is proposing reconstruction of University Avenue from Northdale Boulevard to Main Street. As part of the project, the City is required to impose parking restrictions on this segment of University Avenue. Council is requested to introduce an ordinance implementing parking restrictions.

DISCUSSION

On March 19, 2013, Council approved a Joint Powers Agreement with Anoka County for the reconstruction of University Avenue between Northdale Boulevard and Main Street. University Avenue serves as the border between Coon Rapids and Blaine. This roadway is heavily traveled as a major north-south route to and from the northern suburbs and is used as a bus route for several schools along University Avenue. University has reached the end of its useful life. As Anoka County continues to grow, it is necessary to make improvements to accommodate future volumes of traffic in a safe and efficient manner. The proposed improvements include widening University to a four-lane roadway, reconstruction of major intersections to include turn lanes, access control, concrete curb and gutter, drainage improvements, noise wall installation, bridge reconstruction over Sand Creek, signal system improvements, and sidewalk and trail construction.

To comply with State Aid requirements for this project, it is necessary to implement parking restrictions on University Avenue. An ordinance is attached for Council consideration. If approved a companion resolution will be included when the adoption of ordinance comes before the City Council at the next available meeting.

RECOMMENDATION

It is recommended that the City Council introduce the attached ordinance restricting parking on the west side of University Avenue between Northdale Boulevard and Main Street.

Attachments

Parking Restriction Ordinance

ORDINANCE NO.

**AN ORDINANCE RESTRICTING PARKING ON THE WEST SIDE
OF UNIVERSITY AVENUE FROM NORTHDALÉ BOULEVARD
TO MAIN STREET**

The City of Coon Rapids does ordain:

Section 1. There is hereby established a parking restriction on the west side of University Avenue from Northdale Boulevard to Main Street.

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

Introduced on the 21st day of January, 2014.

Adopted on the ____ day of February, 2014.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



AI-1684

9.

City Council Regular

Meeting Date: 01/21/2014

Subject: Accept Proposal for Engineering Services for 2014 Sanitary Sewer Lining Program and Authorize Execution of Agreement - Project 14-11

Submitted For: Tim Himmer, Public Works Director **From:** Cher Ridout, Admin Secretary II

INTRODUCTION

As part of the 10 year capital improvement program, we have selected several neighborhoods to continue the sanitary sewer lining program. Lining for 2014 will be done in several areas as shown on the attached map. Our consultant, SEH, has provided engineering services as part of the sanitary sewer comprehensive plan and capital improvement program. They have submitted a proposal for engineering services for the 2014 sanitary sewer lining project. Council is requested to accept the proposal and authorize execution of the agreement.

DISCUSSION

The City is continuing the lining program for the sanitary sewer system that began in 2008. Lining will be done in areas where the clay sanitary sewer pipe exhibits significant maintenance concerns. The attached proposal from SEH includes preparing a preliminary and final report, preparing construction plans and specifications, assisting the City in the bidding process, negotiating a construction contract with the successful bidder, and providing inspection services during construction of the lining project.

If Council approves the proposal, design work will begin immediately. We plan to have the project bid in early summer with construction beginning in late summer. Completion of the project is planned for fall of 2014.

RECOMMENDATION

It is recommended that the City Council accept the proposal from SEH for engineering services for the 2014 sanitary sewer lining program, and authorize execution of the agreement in accordance with the proposal dated January 14, 2014.

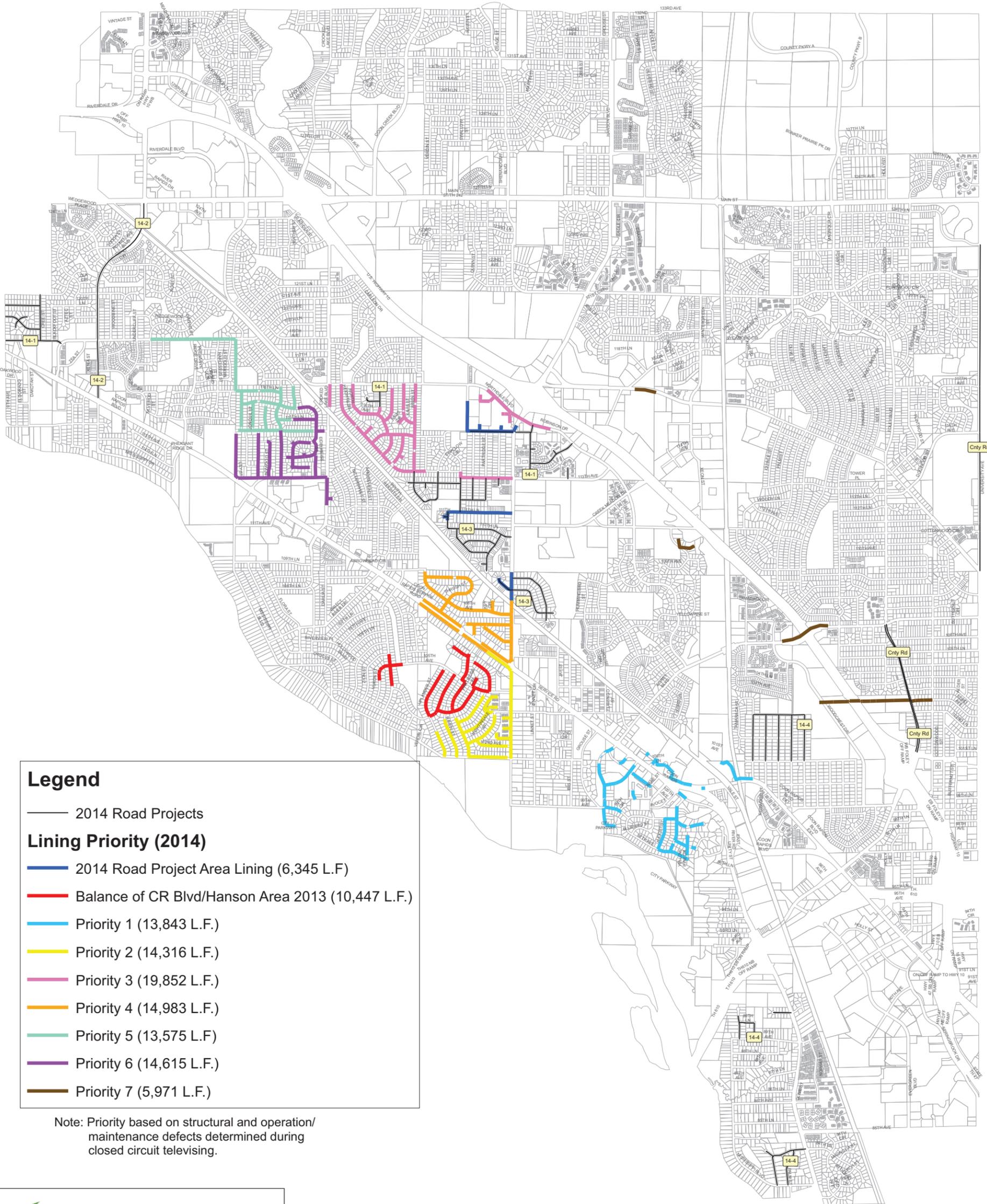
BUDGET IMPACT:

The proposal contains a lump sum fee of \$65,880 for engineering services. The total estimated construction cost of the project is \$1,180,000. Funds have been budgeted in the Sanitary Sewer Utility Fund.

Attachments

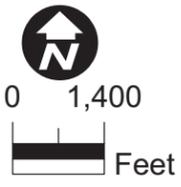
SS Lining Location Map

SEH Proposal



- Legend**
- 2014 Road Projects
 - Lining Priority (2014)**
 - 2014 Road Project Area Lining (6,345 L.F.)
 - Balance of CR Blvd/Hanson Area 2013 (10,447 L.F.)
 - Priority 1 (13,843 L.F.)
 - Priority 2 (14,316 L.F.)
 - Priority 3 (19,852 L.F.)
 - Priority 4 (14,983 L.F.)
 - Priority 5 (13,575 L.F.)
 - Priority 6 (14,615 L.F.)
 - Priority 7 (5,971 L.F.)

Note: Priority based on structural and operation/maintenance defects determined during closed circuit televising.



3535 VADNAIS CENTER DR.
ST. PAUL, MN 55110
PHONE: (651) 490-2000
FAX: (888) 908-8166
TF: (800) 325-2055
www.sehinc.com

Project: COONR 118972
Print Date: 1/15/2014
Map by: dc
Projection: MN SP South Nad 83 ft
Source: City of Coon Rapids, SEH

**Sanitary Sewer Vitrified Clay
Pipe Lining Priority**
Sanitary Sewer Pipe Lining Program
Coon Rapids, MN

Figure
2

P:\13_5_13\GIS\CoonR\118972\Map\118972_SanitarySewerPipeLiningPriority_01_15_14.mxd

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources based on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.



January 14, 2014

RE: City of Coon Rapids
2014 Sanitary Sewer Lining
City Project No. 14-_____

Mr. Tim Himmer
Public Works Director
City of Coon Rapids
11155 Robinson Drive
Coon Rapids, MN 55433

Dear Mr. Himmer:

This letter supplements the Agreement for Professional Services between City of Coon Rapids, Owner, and Short Elliott Hendrickson Inc. (SEH[®]) dated May 5, 1995 and addresses providing services in connection with design, bidding and construction services (hereinafter called the "Project"). The scope of said services is detailed in the attached Exhibit A.

Our services will consist of conducting preliminary investigations, preparing a report containing the findings of the investigations along with our recommendations for the Project, preparing a preliminary design based on the approved report, preparing final design documents based on the approved preliminary design, providing assistance with receiving bids for the work and negotiating a construction contract with the successful bidder, providing construction services during construction, all as set forth in this letter and the Agreement for Professional Services between SEH and City of Coon Rapids dated May 5, 1995.

In addition our services will include review available PCAP compliant CCTV records for VCP sanitary sewer within the Owner's planned street reconstruction project areas (CIP years 2012-2015) and provide the City with spot repair locations to be incorporated within street reconstruction projects.

We will also furnish such Additional Services as you may request or as required.

You will pay us a lump sum fee of **\$65,880** for our services, in accordance with Exhibit C-2.

Payment for additional services, if requested, shall be based on the time required to perform the services and the current billable rates for the principals and employees engaged directly on the project, plus charges for expenses and equipment, as may be in effect at the time the Additional Services are performed.

We will start our services promptly after receipt of your authorization. We estimate our services will be completed after four months. If there are delays in the Project that are beyond our control, you agree to grant additional time to complete the services.

SEH, Inc. estimated your budgetary project cost at **\$1,180,000** for construction of the Project and should be confirmed to us in writing at an early date. We will endeavor to work within those limitations. If you request, we will submit periodic estimates of cost to give you our opinion of the probable cost of the Project. Where appropriate, if the estimated cost exceeds the budget, we will either request an adjustment

in the budget or suggest a revision in the extent or quality of the Project to assist in bringing construction cost back within the budget. We do not guarantee that our opinions of probable construction cost will not differ materially from negotiated prices or bids. If you wish greater assurance as to probable construction cost or if you wish formal estimates, an independent cost estimator should be employed.

This letter and the Agreement for Professional Services dated May 5, 1995 along with Exhibits A, B, C-2, and D represent the entire understanding between you and us in respect of the Project and may only be modified in writing signed by both of us. If it satisfactorily sets forth your understanding of our agreement, please sign the enclosed copy of this letter, in the space provided below, and return it to us.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.



Donald R. Lutch, PE
Project Manager

DRL
document2

Accepted by: City of Coon Rapids

By: _____
Authorized Client Signature

Date: _____

Exhibit A
to Agreement for Professional Services
Between City of Coon Rapids (Owner)
and
Short Elliott Hendrickson Inc. (SEH®)
Dated January 8, 2014

SEH's Services

The scope of the Professional Services described in the "Agreement" dated May 5, 1995 are modified in this Exhibit A

A. Preliminary Engineering Report Phase

1. Project Initiative

SEH will consult with Owners representatives regarding all issues that may affect the project. Issues include the following.

- (a) Confirm major concerns and constraints of the existing Schedule Area Sewers Priority #1 (partial), #2 and #3, as determined by the Prioritization Schedule created in January , 2014.
- (b) Obtain information from the Owner on existing sewer record drawings, previous CCTV video inspection reports and discs, geographic information systems data, service, and utility requirements.
- (c) Review available PCAP compliant CCTV records for VCP sanitary sewer within the Owner's planned street reconstruction project areas (CIP years 2013-2015). Provide Owner with spot repair locations to be completed during street reconstruction projects.

B. Preliminary and Final Design Phase

Based upon decisions jointly reached with the City, SEH will prepare final design criteria, preliminary and final drawings and preliminary and final specifications. Subtasks are identified below:

1. Preliminary Design Phase

- (a) On the basis of the approved report prepare Preliminary Design documents which consist of final design criteria, preliminary drawings, outline specifications and written descriptions of the Project.
2. Prepare the construction drawings necessary for cleaning and lining of the existing sanitary sewers. Drawings will include civil plans and detail sheets.
3. Prepare a Project Manual using Engineering Joint Contract Document Committee (EJCDC) forms and forms furnished by the City. Specifications

will be prepared in a CSI format unless directed otherwise by the City.

4. Prepare an Engineer's Opinion of Probable Construction Cost based on the completed contract documents.

C. Bidding and Construction Services

SEH will provide engineering services associated with bidding, award and construction of the project.

1. Tasks included in the Bidding Services Phase include the following:

- (a) Prepare an "Advertisement for Bid" for the City to advertise the project in newspapers of record.
- (b) Respond to Bidders requests for interpretations or additional information. Issue addenda if necessary to clarify contract documents.
- (c) Attend Bid Opening, review bids, prepare a bid tabulation, and prepare "Recommendation to Award" presentation to the City Council.

2. Following contract award by the City provide the following Construction Services:

- (a) Assist with the preconstruction conference and project progress meetings.
- (b) Provide periodic construction observation (approximately 80 hours over the construction period) to observe the progress and quality of the executed work as necessary. Be available to address adjacent property owner concerns. Provide written documentation of site visits to the City. Full-time, Resident Project Representative Services (RPR) by SEH is not included.
- (c) Review shop drawings and other submittals for conformance with the contract documents.
- (d) Review contractors Application for Payment and certify amounts recommended for payment to the Contractor.
- (e) Evaluate change order proposals and make recommendations to the City.

- (f) Perform a substantial completion inspection. Prepare punch lists. Recommend acceptance by the City. Perform final inspection.

D. Additional Services

1. If authorized by the Owner, SEH shall furnish additional services, which include, but are not limited, to the following:
 - (a) Preparation of applications and supporting documents for government grants, loans or advances.
 - (b) Preparation or review of environmental assessment worksheets and environmental assessment impact statements.
 - (c) Review and evaluation of any statements or documents prepared by others and their effect on the requirements of the project.
 - (d) Additional services due to significant changes in the general scope of the Project or its design including but not limited to, changes in size, location, complexity of character or type of construction.
 - (e) Preparing Change Orders or providing other services in connection with changed project conditions which are inconsistent with the original design intent. This includes, but not limited to, changes in project size, complexity, Owner's schedule, character of construction or method of financing.
 - (f) Providing professional services made necessary by the default of the Contractor or by major defects in the Work of the Contractor in the performance of the Construction Contract.
 - (g) Providing services after issuance to the Owner of the final Certificate for Payment.
 - (h) Providing services of professional consultants for other than the normal services stated in the Agreement.
 - (i) Preparation of descriptions for permanent and/or temporary easements.
 - (j) Serving as an expert witness for the Owner in any litigation or other proceedings.
 - (k) Providing services for preparation of preliminary and final assessment rolls.
 - (l) Assistance in connection with Bid protests, re-bidding or renegotiating contracts for construction, materials, equipment, or services, except when such assistance is required by the Agreement.
 - (m) Providing construction surveys and staking to enable the construction contractor to perform its work and any type of property surveys or related engineering services needed for the transfer of interests in real

property and providing other special field surveys.

- (n) Providing Resident Project Representation beyond the part-time RPR hours defined in paragraph C.2.b.
- (o) Additional services not otherwise provided for in this Agreement.

2. Required Additional Services: SEH shall perform or furnish (without requesting or receiving specific advance authorization from Owner) the services listed below. SEH shall advise Owner in writing promptly after starting any such Additional Services.

- (a) Services in connection with Work Change Directives and Change Orders to reflect changes requested by Owner so as to make the compensation commensurate with the extent of the Additional Services rendered.
- (b) Services in making revisions to Drawings and Specifications required by reviewing authorities or occasioned by the acceptance of substitute materials or equipment other than "or-equal" items; and services after the award of the Construction Agreement in evaluating and determining the acceptability of a substitution which is found to be inappropriate for the Project or an excessive number of substitutions.
- (c) Services resulting from significant delays, changes, or price increases occurring as a direct or indirect result of materials, equipment, or energy shortages.
- (d) Additional or extended services during construction made necessary by (1) emergencies or acts of God endangering the Work, (2) an occurrence of a Hazardous Environmental Condition, (3) Work damaged by fire or other cause during construction, (4) defective, neglected, or delayed work by Contractor, (5) acceleration of the progress schedule involving services beyond normal working hours, or (6) default by Contractor.
- (e) Services in connection with any partial utilization of any part of the Work by Owner prior to Substantial Completion.
- (f) Evaluating an unreasonable claim or an excessive number of claims submitted by Contractor or others in connection with the Work.

Exhibit B
to Agreement for Professional Services
Between City of Coon Rapids (Owner)
and
Short Elliott Hendrickson Inc. (SEH®)
Dated January 8, 2014

Owner's Responsibilities

A. General

In addition to the responsibilities listed in Section II of the May 5, 1995 agreement, Owner shall:

1. Require all Private Utilities with facilities in the Owner's Right of Way to:
 - (a) Locate and mark said utilities upon request.
 - (b) Relocate and/or protect said utilities as determined necessary to accommodate the proposed Work.
 - (c) Submit a schedule of the necessary relocation/protection activities to the Owner for review.
2. Advertise for bids in the local paper of record and pay all advertising costs.
3. Provide to consultant available PCAP compliant CCTV records for VCP sanitary sewer within the Owner's planned street reconstruction project areas (CIP years 2013-2016).

B. Assumption of Risks

The Owner and SEH agree that the risks of the Project and the costs related to those risks remain with the Owner or with others and that SEH does not assume any risks that are not specifically called out in the Agreement.

Exhibit C-2
to Agreement for Professional Services
Between City of Coon Rapids (Owner)
and
Short Elliott Hendrickson Inc. (SEH®)
Dated January 8, 2014

Payments to SEH for Services and Expenses
Using the Lump Sum Basis Option

The Agreement for Professional Services is amended and supplemented to include the following agreement of the parties:

A. Lump Sum Basis Option

The Owner and SEH select the Lump Sum Basis for Payment for the services described in the Supplemental Letter Agreement. During the course of providing its services, SEH shall be paid monthly based on SEH's estimate of the percentage of the work completed. Necessary expenses and equipment are provided as a part of SEH's services and are included in the initial Lump Sum amount. Total payments to SEH for work covered by the Lump Sum Agreement shall not exceed the lump sum amount without written authorization from the Owner.

The Lump Sum amount includes compensation for SEH's services and the services of SEH's Consultants, if any. Appropriate amounts have been incorporated in the initial Lump Sum to account for labor, overhead, profit, expenses and equipment charges. The Owner agrees to pay for other additional services, equipment, and expenses that may become necessary by amendment to complete SEH's services at their normal charge out rates as published by SEH or as available commercially.

The Lump Sum Fee does not include the cost of geotechnical exploration and testing. The Owner will retain the firm (based on SEH's recommendation) and will pay the cost of geotechnical exploration and testing directly to the firm hired for that purpose.

B. Other Provisions Concerning Payments

1. Invoices will be prepared in accordance with SEH's standard invoicing practices and will be

submitted monthly to Owner by SEH, unless otherwise agreed.

2. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due SEH for services and expenses within 30 days after receipt of SEH's invoice therefore, the amounts due SEH will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. SEH may, after giving seven days written notice to Owner, suspend services under this Agreement until SEH has been paid in full all amounts due for services, expenses and other related charges. Payments will be credited first to interest and then to principal. Further, SEH reserves the right to retain products of service until all invoices are paid in full. SEH will not be liable for any claims of loss, delay, or damage by Owner for reason of withholding services or products of service until all invoices are paid in full.
3. In the event of a disputed or contested invoice, only that portion so contested may be withheld from payment, and the undisputed portion will be paid.
4. Should such taxes, fees or costs be imposed, they shall be in addition to SEH's estimated total compensation.

C. Expenses

The following items involve expenditures made by SEH employees or professional consultants on behalf of the Owner and shall be paid for as described in this Agreement.

1. Local transportation and travel expenses are included in the lump sum.

2. Lodging and meal expenses connected with the Project are included in the lump sum.
3. Fees paid for, in the name of the Owner, for securing approval of authorities having jurisdiction over the Project shall be invoiced separately to the Owner.
4. Report, plans and specification reproduction expenses are included in the lump sum.
5. Unidentified special expenses required in connection with the Project shall be invoiced separately to the Owner.
6. If special consultants or technical services are required, the cost of these subconsultant services shall include actual expenditures plus 10% markup for the cost of administration and insurance.
The Owner shall pay SEH monthly for expenses.



2014 Sanitary Sewer Lining - City of Coon Rapids

COONR		Assignee:	PM	Project Engineer	Survey	GIS	CAD	Civil Tech/ RPR	Specs	Admin	Hours	Labor Fee	Direct Reimbursable Expenses			Task Exp's	Task Totals	
			Lutch	Ostendorf	Domiano	sr. engineer	hemrich	Pichelman	Dagnault	McJames	Hours	Labor Fee	Comp.	Travel	Repro	Equip.		
T1 Project Start-up & Information Gathering - 78 hours																		
		Kick-off meeting	1	4	-	-	-	-	-	-	5	\$ 677	\$ 15	\$ 80	\$ 190	\$ -	\$ 47	\$ 724
		Design Criteria Letter Report Document	1	4	-	12	-	-	-	-	17	\$ 2,402	\$ 51	-	-	-	\$ 51	\$ 2,453
		Data & Document Collection	-	4	-	-	-	-	-	-	4	\$ 462	\$ 12	\$ 26	-	-	\$ 27	\$ 488
		Review FCAP CCTV records for street reconstructs	4	2	-	16	6	-	24	-	52	\$ 5,927	\$ 156	-	\$ 170	-	\$ 173	\$ 6,100
T2 Preliminary Engineering and Design - 68 hours																		
		Civil/Structural	4	24	-	-	24	-	-	-	52	\$ 5,957	\$ 156	\$ 100	\$ 425	\$ -	\$ 235	\$ 6,192
		Permitting	-	2	-	-	-	-	8	4	14	\$ 1,198	\$ 42	-	\$ 200	-	\$ 62	\$ 1,260
		GIS	-	-	-	24	-	-	-	-	24	\$ 3,451	-	-	-	-	\$ -	\$ 3,451
T3 Final Documents - 284hours																		
		Alignment	-	-	-	-	-	-	-	-	-	\$ -	\$ -	\$ 230	\$ 175	\$ -	\$ -	\$ 29,206
		Design	2	8	-	-	24	-	20	-	54	\$ 5,309	\$ 162	\$ 150	\$ 50	-	\$ 251	\$ 5,560
		Plan Development	2	8	-	12	80	-	52	-	164	\$ 16,039	\$ 492	\$ 40	\$ 55	-	\$ 520	\$ 16,559
		Specs/Contract Documents	4	4	-	-	-	20	20	4	52	\$ 5,317	\$ 158	-	\$ 50	-	\$ 161	\$ 5,478
		Bid Phase Services	2	4	-	-	-	-	8	-	14	\$ 1,543	\$ 42	\$ 40	\$ 20	-	\$ 66	\$ 1,609
T4 Bidding Assistance - 14hours																		
		Pre-Bid Conf, Minutes, Adenda	2	4	-	-	-	-	4	4	14	\$ 1,534	\$ 42	\$ 54	\$ 100	\$ -	\$ 82	\$ 1,616
T5 Construction Phase Services - 140hours																		
		Fulltime RPR - Underground	-	-	-	-	-	-	-	-	-	\$ -	\$ -	\$ 400	\$ 80	\$ 52	\$ -	\$ 14,390
		Weekly Inspection	2	4	-	-	-	32	80	-	118	\$ 10,686	\$ 354	\$ 400	\$ 80	\$ 52	\$ 638	\$ 11,324
		Shop Drawings & Change Order Review	-	8	-	-	-	-	-	-	8	\$ 923	\$ 24	-	-	-	\$ 24	\$ 947
		Review of Progress Payments	6	4	-	-	-	-	4	-	14	\$ 2,077	\$ 42	-	-	-	\$ 42	\$ 2,119
		Hours:	30	84	-	84	144	52	220	12	608	\$ 63,501	\$ 1,746	\$ 864	\$ 970	\$ 52	\$ 2,379	\$ 85,880



AI-1685

10.

City Council Regular

Meeting Date: 01/21/2014

Subject: Accept Proposal for Engineering Services for Reconstruction of Sanitary Sewer Lift Station No. 9
- Project 14-12

Submitted For: Tim Himmer, Public Works Director **From:** Cher Ridout, Admin Secretary II

INTRODUCTION

As part of the ten year sanitary sewer capital improvement program, Sanitary Sewer Lift Station No. 9 has been scheduled for reconstruction in 2014. Lift Station No. 9 is located at 10749 Mississippi Boulevard (see attached location map). Our consultant, SEH, has provided engineering services for the City on our sanitary sewer comprehensive plan and capital improvement program. They have submitted a proposal for engineering services for the reconstruction of Lift Station No. 9. Council is requested to accept the proposal and authorize execution of the agreement.

DISCUSSION

As part of our ongoing capital improvement program, Sanitary Sewer Lift Station No. 9 is planned for reconstruction in 2014. Lift Station No. 9 services an area in the southwesterly part of the City along Mississippi Boulevard. The attached proposal from SEH includes preparing a preliminary and final report, preparing construction plans and specifications, assisting the City in the bidding process, negotiating a construction contract with the successful bidder, and providing inspection services during reconstruction of the lift station.

If Council approves the proposal, design work will begin immediately. We plan to have the project bid in the spring with construction beginning in early summer. Completion of the work is anticipated to be done by fall of 2014.

RECOMMENDATION

It is recommended that the City Council accept the proposal from SEH for engineering services to reconstruct Sanitary Sewer Lift Station No. 9, and authorize execution of the agreement in accordance with the proposal dated December 24, 2013.

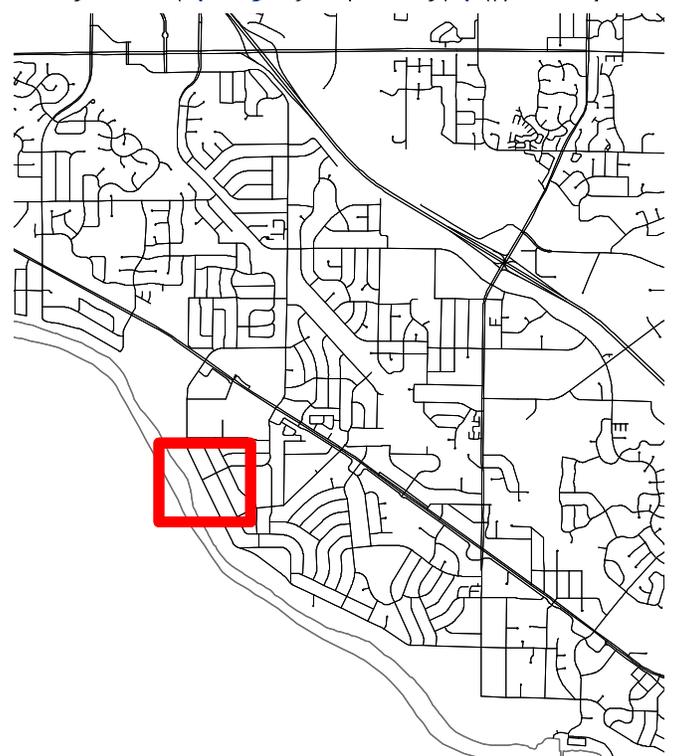
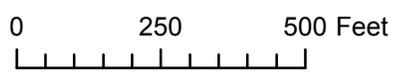
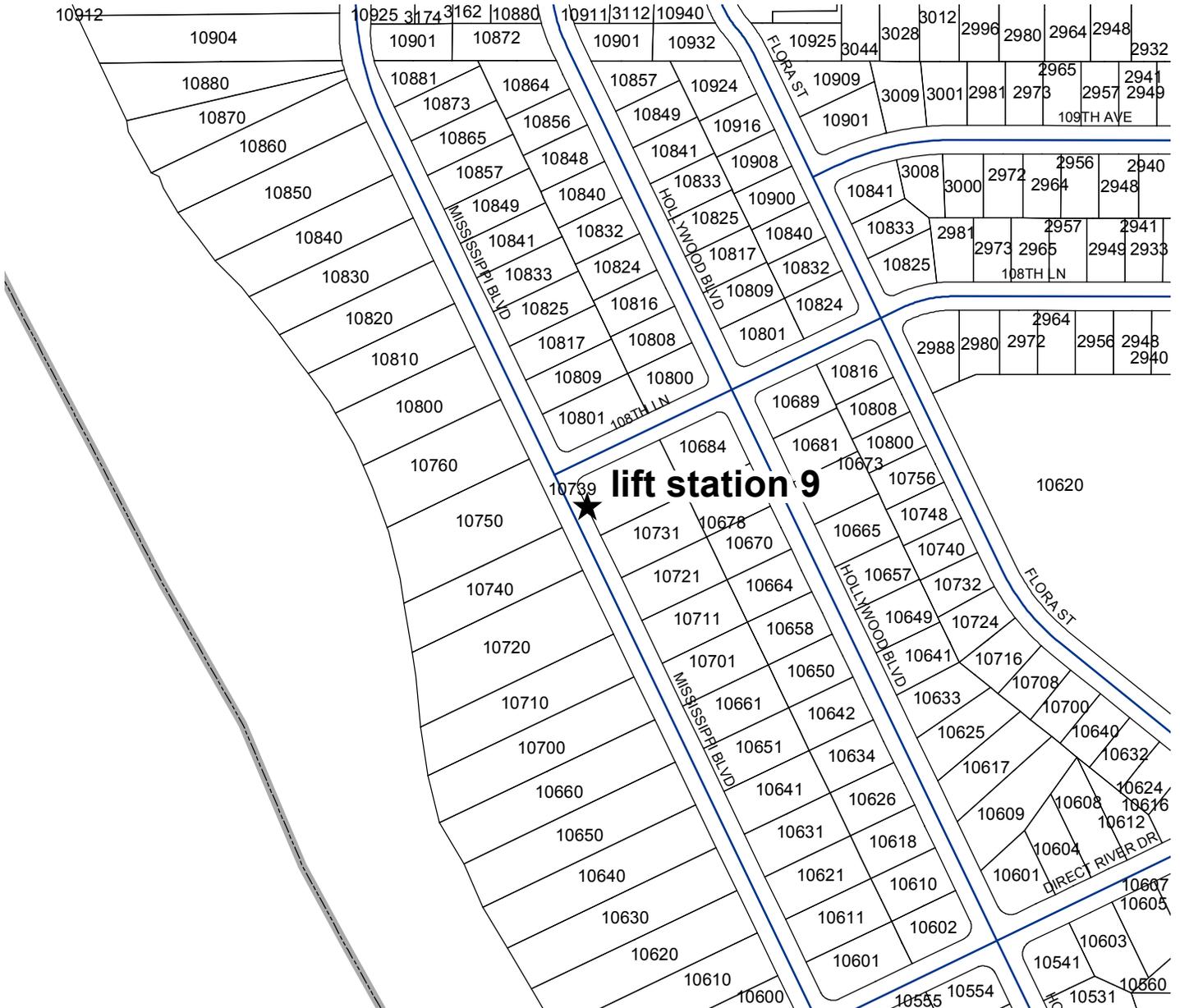
BUDGET IMPACT:

The proposal contains a lump sum fee of \$64,800 for engineering services. The total estimated construction cost for the project is \$550,000. Adequate funding is available in the City's Sanitary Sewer Utility Fund.

Attachments

Location Map

SEH Proposal





December 24, 2013

RE: City of Coon Rapids
Sanitary Lift Station No. 9
City Project No. _____
SEH No. P-COONR 126855

Mr. Tim Himmer
Director of Public Works
City of Coon Rapids
11155 Robinson Drive
Coon Rapids, MN 55433

Dear Mr. Himmer:

This letter supplements the Agreement for Professional Services between the City of Coon Rapids, Owner, and SEH dated May 5, 1995 and addresses providing services in connection with Design, Bidding and Construction Services for Sanitary Lift Station No. 9 (hereinafter called the "Project"). The scope of said services contained in the May 5, 1995 agreement is expanded upon in the attached Exhibit A.

Our services will consist of conducting investigations, preparing a report containing the findings of the investigations along with our recommendations for the Project, preparing a preliminary design based on the approved report, preparing final design documents based on the approved preliminary design, providing assistance with receiving bids for the work and recommending award of a construction contract to the successful bidder, providing engineering services during construction, and preparing record drawings of the construction, all as set forth in this letter, the attached Exhibits and the Agreement for Professional Services between SEH and the City of Coon Rapids dated May 5, 1995.

You will pay us a lump sum fee of **\$64,800**, for our services, in accordance with Exhibit C-2.

Payment for Additional Services, if requested, shall be based on the time required to perform the services and the current billable rates for the principals and employees engaged directly on the project, plus charges for expenses and equipment, as may be in effect at the time the Additional Services are performed.

Upon receipt of your authorization we will start our services immediately. We estimate our services will be completed within 10 months. If there are delays in the Project that are beyond our control, you agree to grant additional time to complete the services.

SEH Inc. estimated a budgetary project cost of **\$550,000.00** for the design and construction of the lift station, sanitary collection system connection and force main tie-in. We will endeavor to work within those limitations. We will submit periodic estimates of cost to give you our opinion of the probable cost of the Project. Where appropriate, if the estimated cost exceeds the budget, we can suggest revisions in the extent or quality of the Project to bring the construction cost within the budget. SEH does not guarantee that opinions of probable construction cost will not differ from negotiated prices or bids. If you

wish greater assurance as to probable construction cost or if you wish formal estimates, an independent cost estimator should be employed.

This letter and the Agreement for Professional Services dated May 5, 1995 along with Exhibits A, B, and C-2 represent the entire understanding between you and us in respect of the Project and may only be modified in writing signed by both of us. If it satisfactorily sets forth your understanding of our agreement, please sign this letter, in the space provided below and return it to us.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.



Donald R. Lutch, PE
Project Manager

Accepted by:
City of Coon Rapids

By: _____
Authorized Client Signature

Date: _____



Lift Station #9 - 10749 Mississippi Blvd. - City of Coon Rapids

P-COONR126855

	PM	Project Engineer	Structural	Geotech	Electrical	Civil Tech/ RPR	Specs	Admin	Hours	Labor Fee	Direct Reimbursable Expenses				Task Exp's	Task Totals	
	Assignee:	Lutch	Daignaut	Thomas	Theroux	Honer	Heinrich	Daignaut	McJames	Hours	Labor Fee	Comp.	Travel	Repro			Subconsultant
T1 Project Start-up & Information Gathering - 26 hours											\$ 78	\$ 80	\$ 40	\$ -	\$ -	\$ 2,984	
Kick-off meeting	1	4	-	-	-	-	-	-	5	\$ 566	\$ 15	54	20	\$ -	\$ -	\$ 44	\$ 610
Design Criteria Letter Report Document	1	4	-	-	-	-	-	-	5	\$ 566	\$ 15	-	20	\$ -	\$ -	\$ 17	\$ 583
Data & Document Collection	-	4	-	2	-	-	-	2	8	\$ 768	\$ 24	26	-	\$ -	\$ -	\$ 37	\$ 805
Home owner and Neighborhood Meeting	2	6	-	-	-	-	-	-	8	\$ 962	\$ 24	-	-	\$ -	\$ -	\$ 24	\$ 986
T2 Preliminary Engineering and Design - 150 hours											\$ 450	\$ 100	\$ 225	\$ 3,400	\$ -	\$ 22,920	
Hydraulics	1	4	-	-	-	-	-	-	5	\$ 566	\$ 15	-	-	\$ -	\$ -	\$ 15	\$ 581
Force main connection	-	2	-	-	-	-	-	-	2	\$ 171	\$ 6	-	-	\$ -	\$ -	\$ 6	\$ 177
Geotechnical	-	-	-	16	-	-	-	-	16	\$ 2,275	\$ 48	-	25	\$ 3,400	\$ -	\$ 3,451	\$ 5,725
Civil/Structural	4	8	8	-	-	48	-	-	68	\$ 6,716	\$ 204	100	100	\$ -	\$ -	\$ 264	\$ 6,980
Architectural	-	-	-	-	-	-	-	-	-	\$ -	\$ -	-	-	\$ -	\$ -	\$ -	\$ -
Odor Control	1	1	-	-	-	-	-	-	2	\$ 310	\$ 6	-	-	\$ -	\$ -	\$ 6	\$ 316
Electrical	-	-	-	-	12	32	-	-	44	\$ 5,373	\$ 132	-	-	\$ -	\$ -	\$ 132	\$ 5,505
Mechanical	1	4	-	-	-	-	-	-	5	\$ 566	\$ 15	-	-	\$ -	\$ -	\$ 15	\$ 581
SCADA	-	-	-	-	-	-	-	-	-	\$ -	\$ -	-	-	\$ -	\$ -	\$ -	\$ -
HVAC&Plumbing	-	-	-	-	-	-	-	-	-	\$ -	\$ -	-	-	\$ -	\$ -	\$ -	\$ -
Permitting	-	4	-	-	-	-	-	4	8	\$ 625	\$ 24	-	100	\$ -	\$ -	\$ 34	\$ 659
Surveying	-	-	-	-	-	-	-	-	-	\$ -	\$ -	-	-	\$ 2,396	\$ -	\$ 2,396	\$ 2,396
T3 Final Documents- 177hours											\$ 531	\$ 400	\$ 350	\$ -	\$ -	\$ 19,859	
Alignment	2	2	-	-	-	-	-	-	4	\$ 621	\$ 12	100	-	\$ -	\$ -	\$ 62	\$ 683
Design	4	24	4	-	16	-	-	-	48	\$ 6,613	\$ 144	100	-	\$ -	\$ -	\$ 194	\$ 6,807
Plan Development	-	32	4	-	-	40	-	-	76	\$ 6,752	\$ 228	200	100	\$ -	\$ -	\$ 338	\$ 7,090
Specs/ Contract Documents	1	28	-	-	8	-	-	12	49	\$ 5,107	\$ 147	-	250	\$ -	\$ -	\$ 172	\$ 5,279
T4 Bidding Assistance - 12hours											\$ 36	\$ 55	\$ 100	\$ -	\$ -	\$ 1,320	
Pre-Bid Conf, Minutes, Adenda	2	6	-	-	-	-	-	4	12	\$ 1,246	\$ 36	55	100	\$ -	\$ -	\$ 74	\$ 1,320
T5 Construction Phase Services - 186hours											\$ 558	\$ 80	\$ 100	\$ -	\$ -	\$ 18,778	
RPR - Underground	-	-	-	-	-	-	120	-	120	\$ 10,236	\$ 360	40	-	\$ -	\$ -	\$ 380	\$ 10,616
Weekly Inspection	4	12	-	-	-	-	-	-	16	\$ 1,924	\$ 48	40	-	\$ -	\$ -	\$ 68	\$ 1,992
Shop Drawings & Change Order Review	-	16	-	4	4	-	-	-	24	\$ 2,754	\$ 72	-	-	\$ -	\$ -	\$ 72	\$ 2,826
Review of Progress Payments	2	-	-	-	-	-	-	12	14	\$ 1,474	\$ 42	-	-	\$ -	\$ -	\$ 42	\$ 1,516
Homeowner Liason	2	4	-	-	-	-	-	-	6	\$ 791	\$ 18	-	-	\$ -	\$ -	\$ 18	\$ 809
Contractor M&O Manual review	-	2	-	-	4	-	-	-	6	\$ 991	\$ 18	-	100	\$ -	\$ -	\$ 28	\$ 1,019
Hours:	28	167	16	22	44	120	132	22	551	\$ 57,972	\$ 1,653	\$ 715	\$ 815	\$ 3,400	\$ 7,888	\$ 65,860	

Exhibit A
to Agreement for Professional Services
Between City of Coon Rapids (Owner)
and
Short Elliott Hendrickson Inc. (SEH®)
Dated December 24, 2013

SEH's Services

The scope of the Professional Services described in the "Agreement" dated May 5, 1995 are modified in this Exhibit A

A. Preliminary Engineering Report Phase

1. Project Initiative

SEH will consult with Owners representatives regarding all issues that may affect the project. Issues include the following.

- (a) Confirm major concerns and constraints of the existing Lift Station No. 9 facility.
- (b) Obtain information from the Owner on existing equipment, including drawings, field dimensions, pumping records, service, and utility requirements.
- (c) Coordinate the instrumentation and control system to interface with the Owner's telemetry system.
- (d) Discuss electric service requirements
- (e) Discuss property and easement issues for the existing lift station location.
- (f) SEH will request services of a geotechnical firm to obtain soils information on the site. SEH will prepare the report which identifies geotechnical design requirements. Owner will pay for the geotechnical field work.

B. Preliminary and Final Design Phase

Based upon decisions jointly reached with the City, SEH will prepare final design criteria, preliminary and final drawings and preliminary and final specifications. Subtasks are identified below:

1. Preliminary Design Phase

- (a) On the basis of the approved report prepare Preliminary Design documents which consist of final design criteria, preliminary drawings, outline specifications and written descriptions of the Project.
- (b) Advise Owner if additional reports, data, information or services are necessary and assist Owner in obtaining such reports, data, information or services.

2. Prepare the construction drawings necessary for replacement of the lift station. Drawings will

include structural, civil, mechanical and electrical plans.

3. Prepare a Project Manual using either Engineering Joint Contract Document Committee (EJCDC) forms or forms furnished by the City. Specifications will be prepared in a CSI format unless directed otherwise by the City.
4. Prepare an Engineer's Opinion of Probable Construction Cost based on the completed contract documents.

C. Bidding and Construction Services

SEH will provide engineering services associated with bidding, award and construction of the project.

1. Tasks included in the Bidding Services Phase include the following:

- (a) Prepare an "Advertisement for Bid" for the City to advertise the project in Construction Bulletin and newspapers of record.
- (b) Respond to Bidders requests for interpretations or additional information. Issue addenda if necessary to clarify contract documents.
- (c) Attend Bid Opening, review bids, prepare bid tabulation, and prepare "Recommendation to Award" presentation to the City Council.

2. Following contract award by the City provide the following Construction Services:

- (a) Assist with the preconstruction conference and project progress meetings.
- (b) Provide periodic construction observation (approximately 120 hours over the construction period) to observe the progress and quality of the executed work as necessary. Be available to address adjacent property owner concerns. Provide written documentation of site visits to the City. Full-time, Resident Project Representative Services (RPR) by SEH is not included.
- (c) Review shop drawings and other submittals for conformance with the contract documents.

- (d) Review contractors Application for Payment and certify amounts recommended for payment to the Contractor.
- (e) Evaluate change order proposals and make recommendations to the City.
- (f) Perform a substantial completion inspection. Prepare punch lists. Recommend acceptance by the City. Perform final inspection.
- (g) Provide approximately 8 hours of assistance in start-up, and operational instruction.
- (h) Prepare record drawings of the construction.

D. Additional Services

1. If authorized by the Owner, SEH shall furnish additional services, which include, but are not limited, to the following:

- (a) Preparation or review of environmental assessment worksheets and environmental assessment impact statements.
- (b) Review and evaluation of any statements or documents prepared by others and their effect on the requirements of the project.
- (c) Additional services due to significant changes in the general scope of the Project or its design including but not limited to, changes in size, location, complexity of character or type of construction.
- (d) Preparing Change Orders or providing other services in connection with changed project conditions which are inconsistent with the original design intent. This includes, but not limited to, changes in project size, complexity, Owner's schedule, character of construction or method of financing.
- (e) Providing professional services made necessary by the default of the Contractor or by major defects in the Work of the Contractor in the performance of the Construction Contract.
- (f) Providing assistance in addition to that described in paragraph C.2.g in the start-up, testing, adjusting and balancing, preparation of operating and maintenance manuals, personnel training and consultation during operation of equipment or systems.
- (g) Providing services after issuance to the Owner of the final Certificate for Payment.
- (h) Providing services of professional consultants for other than the normal services stated in the Agreement.
- (i) Preparation of descriptions for permanent and/or temporary easements.
- (j) Serving as an expert witness for the Owner in any litigation or other proceedings.

- (k) Providing services for preparation of preliminary and final assessment rolls.
- (l) Assistance in connection with Bid protests, re-bidding or renegotiating contracts for construction, materials, equipment, or services, except when such assistance is required by the Agreement.
- (m) Providing construction surveys and staking to enable the construction contractor to perform its work and any type of property surveys or related engineering services needed for the transfer of interests in real property and providing other special field surveys.
- (n) Providing Resident Project Representation beyond the part-time RPR hours defined in paragraph C.2.b.
- (o) Additional services not otherwise provided for in this Agreement.

2. Required Additional Services: SEH shall perform or furnish (without requesting or receiving specific advance authorization from Owner) the services listed below. SEH shall advise Owner in writing promptly after starting any such Additional Services.

- (a) Services in connection with Work Change Directives and Change Orders to reflect changes requested by Owner so as to make the compensation commensurate with the extent of the Additional Services rendered.
- (b) Services in making revisions to Drawings and Specifications required by reviewing authorities or occasioned by the acceptance of substitute materials or equipment other than "or-equal" items; and services after the award of the Construction Agreement in evaluating and determining the acceptability of a substitution which is found to be inappropriate for the Project or an excessive number of substitutions.
- (c) Services resulting from significant delays, changes, or price increases occurring as a direct or indirect result of materials, equipment, or energy shortages.
- (d) Additional or extended services during construction made necessary by (1) emergencies or acts of God endangering the Work, (2) an occurrence of a Hazardous Environmental Condition, (3) Work damaged by fire or other cause during construction, (4) defective, neglected, or delayed work by Contractor, (5) acceleration of the progress schedule involving services beyond normal working hours, or (6) default by Contractor.

- (e) Services in connection with any partial utilization of any part of the Work by Owner prior to Substantial Completion.
- (f) Evaluating an unreasonable claim or an excessive number of claims submitted by Contractor or others in connection with the Work.

Exhibit B
to Agreement for Professional Services
Between City of Coon Rapids (Owner)
and
Short Elliott Hendrickson Inc. (SEH®)
Dated December 24, 2013

Owner's Responsibilities

A. General

In addition to the responsibilities listed in Section II of the May 5, 1995 agreement, Owner shall:

1. Require all Private Utilities with facilities in the Owner's Right of Way to:
 - (a) Locate and mark said utilities upon request.
 - (b) Relocate and/or protect said utilities as determined necessary to accommodate the proposed Work.
 - (c) Submit a schedule of the necessary relocation/protection activities to the Owner for review.
2. Advertise for bids in the local paper of record and pay all advertising costs.

B. Assumption of Risks

The Owner and SEH agree that the risks of the Project and the costs related to those risks remain with the Owner or with others and that SEH does not assume any risks that are not specifically called out in the Agreement.

Exhibit C-2
to Agreement for Professional Services
Between City of Coon Rapids (Owner)
and
Short Elliott Hendrickson Inc. (SEH®)
Dated December 24, 2013

Payments to SEH for Services and Expenses
Using the Lump Sum Basis Option

The Agreement for Professional Services is amended and supplemented to include the following agreement of the parties:

A. Lump Sum Basis Option

The Owner and SEH select the Lump Sum Basis for Payment for the services described in the Supplemental Letter Agreement. During the course of providing its services, SEH shall be paid monthly based on SEH's estimate of the percentage of the work completed. Necessary expenses and equipment are provided as a part of SEH's services and are included in the initial Lump Sum amount. Total payments to SEH for work covered by the Lump Sum Agreement shall not exceed the lump sum amount without written authorization from the Owner.

The Lump Sum amount includes compensation for SEH's services and the services of SEH's Consultants, if any. Appropriate amounts have been incorporated in the initial Lump Sum to account for labor, overhead, profit, expenses and equipment charges. The Owner agrees to pay for other additional services, equipment, and expenses that may become necessary by amendment to complete SEH's services at their normal charge out rates as published by SEH or as available commercially.

The Lump Sum Fee does not include the cost of geotechnical exploration and testing. The Owner will retain the firm (based on SEH's recommendation) and will pay the cost of geotechnical exploration and testing directly to the firm hired for that purpose.

B. Other Provisions Concerning Payments

1. Invoices will be prepared in accordance with SEH's standard invoicing practices and will be

submitted monthly to Owner by SEH, unless otherwise agreed.

2. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due SEH for services and expenses within 30 days after receipt of SEH's invoice therefore, the amounts due SEH will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. SEH may, after giving seven days written notice to Owner, suspend services under this Agreement until SEH has been paid in full all amounts due for services, expenses and other related charges. Payments will be credited first to interest and then to principal. Further, SEH reserves the right to retain products of service until all invoices are paid in full. SEH will not be liable for any claims of loss, delay, or damage by Owner for reason of withholding services or products of service until all invoices are paid in full.
3. In the event of a disputed or contested invoice, only that portion so contested may be withheld from payment, and the undisputed portion will be paid.
4. Should such taxes, fees or costs be imposed, they shall be in addition to SEH's estimated total compensation.

C. Expenses

The following items involve expenditures made by SEH employees or professional consultants on behalf of the Owner and shall be paid for as described in this Agreement.

1. Local transportation and travel expenses are included in the lump sum.

2. Lodging and meal expenses connected with the Project are included in the lump sum.
3. Fees paid for, in the name of the Owner, for securing approval of authorities having jurisdiction over the Project shall be invoiced separately to the Owner.
4. Report, plans and specification reproduction expenses are included in the lump sum.
5. Unidentified special expenses required in connection with the Project shall be invoiced separately to the Owner.
6. If special consultants or technical services are required, the cost of these subconsultant services shall include actual expenditures plus 10% markup for the cost of administration and insurance.
The Owner shall pay SEH monthly for expenses.