



Council Work Session - 6:15 p.m.

CITY COUNCIL AGENDA
Wednesday, February 5, 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

Approval of Minutes of Previous Meeting(s):

January 21, 2014, Regular Meeting

January 24-25, 2014, Council Work Session

Consent Agenda

1. Cons. Approval of Agreement for residential Recycling between Anoka County and the City of Coon Rapids and Approve Budget Reappropriations for Capital Improvements for Upgraded Security Cameras
2. Approve Issuance of Class A On-Sale, Sunday Liquor, and Tavern Licenses to HMM, LLC dba Chanticlear Pizza, 11706 Crooked Lake Boulevard
3. Cons. Resolution 14-30 Appointing a Member to the Parks and Recreation Commission
4. Cons. Resolution 14-29 Concurring with Issuance of Off-Site Lawful Gambling Permit for Coon Rapids Youth Hockey Association

Reports on Previous Open Mic

Public Hearing

Bid Openings and Contract Awards

Old Business

5. Restricting Parking on University Avenue:
 - a. Cons. Ordinance Restricting Parking on the West Side of University Avenue from Northdale Boulevard to Main Street
 - b. Cons. Resolution No. 14-28 Relating to Parking Restrictions on the West Side of University Avenue from Northdale Boulevard to Main Street
6. Cons. Adoption of Ordinance Amending Lawful Gambling Premise Permits
7. Cons. Adoption of Ordinance Rezoning Property from MDR to LDR2, 26XX 128th Avenue NW, Lawrence Estates (D and J Lawrence), PC 13-25

New Business

8. Cons. Preliminary Plat Approval, Lawrence Estates (D and J Lawrence), 128th Avenue and Coon Creek Boulevard, PC 13-26
9. Cons. Appeal of Planning Commission Decision, Conditional Use Permit - North Point Church, 10732 Hanson Blvd., PC 13-30
10. Cons. Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for the 2014 Street Maintenance Program

Other Business

Adjourn



City Council Regular

Meeting Date: 02/05/2014

SUBJECT: Minute Approval

Attachments

January 24-25, 2014, Work Session

1-21-14 Council Meeting

UNAPPROVED

COON RAPIDS CITY COUNCIL WORK SESSION OF JANUARY 24 AND 25, 2104

A work session of the Coon Rapids City Council was called to order by Mayor Tim Howe at 1:00 p.m. on January 24, 2014, in the North Bay at Bunker Hills Golf Course.

Members Present: Mayor Tim Howe, Councilmembers Denise Klint, Ron Manning, Paul Johnson, Jerry Koch, Bruce Sanders and Steve Wells

Members Absent: None

Staff Present: City Manager Steve Gatlin, Assistant City Manager Matt Stemwedel, City Attorney Dave Brodie, Assistant City Attorney Doug Johnson, Golf Manager Tim Anderson, Management Analyst/Deputy Clerk Vince Vu, Police Chief Brad Wise, City Clerk Cathy Sorensen, Community Development Director Marc Nevinski, Finance Director Sharon Legg, Fire Chief John Piper, Public Works Director Tim Himmer

1. CALL TO ORDER

Mayor Howe called the work session to order at 1:00 p.m. on Friday, January 24, 2014. The Council and Management Team held discussion and used activities to create an Activity Impact Measurement (AIM) Tool to help measure impacts of activities and projects from multiple perspectives through the four aspects of the Compass: Nature, Economy, Well Being, and Society. Discussion and activities were also held surrounding Council and staff leadership styles.

The meeting adjourned for the day at 5:00 p.m. for socializing at Bunker Hills Golf Course.

Mayor Howe reconvened the work session at 8:00 a.m. on Saturday, January 25, 2014, which focused on how to use the AIM tool for potential projects. After discussion, four main work sessions topics were identified for 2014: marketing the City; economic development strategies; redevelopment priorities; and establishing a diversity commission.

4. OTHER BUSINESS

Mayor Howe shared that he will not be running for re-election in 2015. He thanked Council and staff, past and present, for their work and support over the years.

5. ADJOURN

The work session adjourned at 12:00 p.m.

Approval Attestation:
Cathy Sorensen, City Clerk

UNAPPROVED

COON RAPIDS CITY COUNCIL MEETING MINUTES OF JANUARY 21, 2014

OPEN MIC/PUBLIC COMMENT

Phil Rosar, 10640 Mississippi Boulevard, requested that Council hold a work session to discussion townhomes with party walls to ensure an inventory of townhome management contact information for emergencies purposes only. He also requested that Council consider an ordinance to require insurance the townhome association to provide insurance for units with party walls to provide uniformity and coverage should an event occur that would require repair or rebuilding.

Alan Williams, 10744 Yellowpine Street, agreed with Mr. Rosar, adding that when an association has the insurance it is up to the homeowner for the \$10,000 deductible and if this does not happen it is a big problem.

Mayor Howe requested that these topics be added to a future work session and that staff research this type of ordinance in other cities.

CALL TO ORDER

The second 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 21, 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 SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

PROCLAMATIONS/PRESENTATIONS

1. 2014 COON RAPIDS SNOWFLAKE DAYS

Mayor Howe invited the members of the Snowflake Days Committee to come forward. He then read a proclamation regarding the 2014 Coon Rapids Snowflake Days noting this was the 50th Anniversary of the celebration with events beginning on Thursday, January 23, 2014. Mayor Howe declared January 23, 2014 through February 16, 2014 to be Snowflake Days in the City of Coon Rapids. He encouraged all residents to take part in the planned events.

Diane Buszta, Snowflake Days Committee member, discussed the numerous events planned for this year. She commented there would be an ice bar at Bunker Hills this year. In addition, there would be a Snowball Dance at the Community Center. She encouraged residents to take part in the numerous events, for people of all ages. She explained additional information regarding all of the events was available on the Snowflake Days website.

Councilmember Sanders invited residents to register for the Pickle Ball Tournament.

Fire Chief Piper encouraged children ages 5 to 10 to take part in this year's medallion hunt which will be held at the Fire Station on Saturday, January 25, 2014 at 11:00 a.m.

Councilmember Koch announced there would be a cross country event at Bunker Hills on Sunday, February 16, 2014.

Councilmember Klint explained she was working on the Coon Rapids History Trivia Contest along with the Snow Sculpture Contest. She encouraged Coon Rapids residents to take part in these events.

Mary Ann Kehn, Arts Commission, discussed the Arts Expo stating art from children age 5 through Grade 12 could be displayed at the Art Expo which would be held on February 16, 2014.

Marquis John Leggate encouraged residents to attend the Waffle Breakfast on February 2, 2014 from 8:00 a.m. to 12:00 p.m. at the Coon Rapids VFW.

Mayor Howe commented he was working on the Adult Medallion Hunt. He reiterated that additional information regarding all of these events was available on the Snowflake Days website, as there was something for everyone.

2. COON RAPIDS BUSINESS COUNCIL

Lori Higgins, President of the Metro North Chamber of Commerce, explained the Chamber has always enjoyed a great relationship with the City of Coon Rapids. She wanted to move this to the

next level by increasing communication between the Chamber and Coon Rapids area businesses. She proposed holding quarterly meetings, with the first being on February 27, 2014 at 7:30 a.m. at the Harvest Grill at Bunker Hills. All City businesses were invited to attend and to speak about the goings on in the community.

Dick Haluptzok, Chair of Government Affairs Council at the Metro North Chamber, was excited to be working with the City and the Chamber. He appreciated the information that has been gathered from staff to date, and was hoping to see the City further draw together its business talent with City staff. He looked forward to the Coon Rapids Business Council meeting scheduled for February 27th and encouraged the Council to attend.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

JANUARY 7, 2014, COUNCIL MEETING

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER MANNING, FOR APPROVAL OF THE MINUTES OF THE JANUARY 7, 2014, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA/INFORMATIONAL BUSINESS

3. APPROVE SECONDHAND GOODS DEALER LICENSE FOR BEST BUY STORE #540
 – 12633 RIVERDALE BOULEVARD NW
-

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED.

Councilmember Johnson questioned what items would be sold secondhand at Best Buy. City Clerk Sorensen stated Best Buy was proposing to sell games and DVDs secondhand.

THE MOTION PASSED UNANIMOUSLY.

REPORTS ON PREVIOUS OPEN MIC

None.

PUBLIC HEARING

4. LEVY MISC 2014(1) ASSESSMENTS:
-

- A. ASSESSMENT HEARING, 7:00 P.M.
 - B. CONSIDER RESOLUTION 14-25 ADOPTING 2014(1) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED ONE YEAR)
 - C. CONSIDER RESOLUTION 14-26 ADOPTING 2014(1) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED THREE YEAR)
 - D. CONSIDER RESOLUTION 14-27 ADOPTING 2014(1) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED FIVE YEAR)
-

The Staff report was shared with Council.

Mayor Howe opened and closed the public hearing at 7:22 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KOCH, TO ADOPT RESOLUTION NO. 14-25 ADOPTING 2014(1) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED ONE YEAR); RESOLUTION NO. 14-26 ADOPTING 2014(1) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED THREE YEAR); AND ADOPT RESOLUTION 14-27 ADOPTING 2014(1) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED FIVE YEAR). THE MOTION PASSED UNANIMOUSLY.

OLD BUSINESS

None.

NEW BUSINESS

- 5. CONSIDER SITE PLAN MODIFICATION FOR BUILDING ELEVATIONS AND ADDITIONAL WALL SIGNS AND FREESTANDING PYLON SIGN – 430 COON RAPIDS BOULEVARD – JACK OVICK – PC 13-24
-

The Staff report was shared with Council.

Mayor Howe asked if this site plan met the City's parking requirements. Planner Harlicker stated all parking requirements were met.

Councilmember Klint inquired if the uses would be combined on the interior of the building. Planner Harlicker reported there would be a half-wall separating the uses on the interior of the building. He indicated the uses would have separate entry doors.

Councilmember Klint questioned if the car wash bays would be used. Planner Harlicker commented the car wash bays would be converted for the restaurant kitchen and drive-thru area.

Mayor Howe explained the Council did not need to address the free standing sign issue, which was recommended for denial by the Planning Commission.

Councilmember Klint did not recall the 2009 site plan approval and asked if a Steak n' Shake was planned for the site at that time. Planner Harlicker indicated the original site plan approval included a restaurant use but not specifically a Steak n' Shake. City Clerk Sorensen reported the site plan was reviewed by the Council on November 4, 2009.

Councilmember Klint inquired if the site would have a pylon sign. She supported a higher pylon sign on the property. Planner Harlicker reviewed the location of the existing monument sign.

Councilmember Koch supported the entire project as it would be a great improvement to the property.

Councilmember Johnson recommended the Planning Commission review the traffic concerns that may be raised at the Holly Street intersection. He encouraged the City to better manage the weed situation on this site.

Councilmember Klint asked if the existing convenient store would remain. Planner Harlicker stated the existing store would remain in place.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER JOHNSON, TO RECOMMEND APPROVAL OF THE BUILDING ELEVATIONS FOR THE PROPERTY LOCATED AT 430 COON RAPIDS BOULEVARD 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.

THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER JOHNSON, TO POSTPONE CONSIDERATION OF THE PYLON SIGN AND RECOMMEND APPROVAL OF THE WALL SIGNAGE FOR THE PROPERTY LOCATED AT 430 COON RAPIDS BOULEVARD WITH THE FOLLOWING CONDITION:

1. THE WALL SIGN ON THE NORTH ELEVATION CONSIST OF THE STEAK AND SHAKE WING LOGO ONLY.

THE MOTION PASSED UNANIMOUSLY.

6. **CONSIDER INTRODUCTION OF ORDINANCE REZONING PROPERTY FROM MDR
TO LDR2 – 26XX 128TH AVENUE – D AND J LAWRENCE – PC 13-25**

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS,
TO INTRODUCE AN 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.

THE MOTION PASSED UNANIMOUSLY.

7. **CONSIDER INTRODUCTION OF ORDINANCE AMENDING LAWFUL GAMBLING
PREMISE PERMITS**

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER JOHNSON,
TO INTRODUCE AN ORDINANCE INCREASING THE NUMBER OF LAWFUL GAMBLING
LOCATIONS TO FIVE PER ORGANIZATION WITH TWO LOCATIONS LIMITED TO
UTILIZING PULL-TAB DISPENSING DEVICES ONLY. THE MOTION PASSED
UNANIMOUSLY.

8. **CONSIDER INTRODUCTION OF ORDINANCE RESTRICTING PARKING ON
UNIVERSITY AVENUE**

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER SANDERS, TO INTRODUCE AN ORDINANCE RESTRICTING PARKING ON THE WEST SIDE OF UNIVERSITY AVENUE BETWEEN NORTHDALÉ BOULEVARD AND MAIN STREET. THE MOTION PASSED UNANIMOUSLY.

9. ACCEPT PROPOSAL FOR ENGINEERING SERVICES FOR 2014 SANITARY SEWER LINING PROGRAM AND AUTHORIZE EXECUTION OF AGREEMENT, PROJECT 14-11
-

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER MANNING, TO 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. THE MOTION PASSED UNANIMOUSLY.

10. ACCEPT PROPOSAL FOR ENGINEERING SERVICES FOR RECONSTRUCTION OF SANITARY SEWER LIFT STATION NO. 9, PROJECT 14-12
-

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER JOHNSON, TO 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. THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

None.

ADJOURN

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KOCH,
TO ADJOURN THE MEETING AT 7:47 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Cathy Sorensen, City Clerk



City Council Regular

1.

Meeting Date: 02/05/2014

Subject: 2014 SCORE grant approval

From: Colleen Sinclair, Recycling Coordinator

INTRODUCTION

Anoka County has submitted the 2014 Agreement for Residential Recycling to the City of Coon Rapids for approval.

DISCUSSION

Attached is the agreement between Coon Rapids and Anoka County for funding of the residential solid waste recycling program. The term of this Agreement is from January 1, 2014 through December 31, 2014. These funds are used to meet the 2014 recycling goal of 5,561 tons set by Anoka County. Coon Rapids is entitled to receive reimbursement for eligible activities up to \$209,080.00. Please note Section 7- if the County does not receive the second SCORE allocation, they may reduce the project maximum amount payable to the Municipality. The 2014 recycling budget of \$196,541 was approved by the City, County SCORE funds available to Coon Rapids is \$209,080. Of this dollar amount staff will need to re-appropriate funds from 74100.6370 to fund the capital project of security camera upgrades for \$15,937.25. This project will include upgrading our current older system of analog cameras to high definition camera system with the addition of two more camera units.

RECOMMENDATION

It is recommended to Council to approve the attached agreement for residential recycling between Anoka County and the City of Coon Rapids with the budget reappropriations for capital improvements.

Attachments

2014 SCORE grant

Capital camera quote

AGREEMENT FOR RESIDENTIAL RECYCLING PROGRAM

THIS AGREEMENT made and entered into on the 1st day of January, 2014, notwithstanding the date of the signatures of the parties, between the COUNTY OF ANOKA, State of Minnesota, hereinafter referred to as the "COUNTY", and the CITY OF COON RAPIDS, hereinafter referred to as the "MUNICIPALITY".

WITNESSETH:

WHEREAS, Anoka County will receive \$818,365 in funding from the State of Minnesota pursuant to Minn. Stat. § 115A.557 (hereinafter "SCORE funds") and \$270,984 in funding pursuant to Minn. Stat. § 473.8441 (hereinafter "LRDG funds") during 2014 and

WHEREAS, Anoka County also has additional budgeted program funding available to supplement SCORE and LRDG funds for solid waste recycling programs; and

WHEREAS, the County wishes to assist the Municipality in meeting recycling goals established by the Anoka County Board of Commissioners by providing said SCORE and LRDG funds to cities and townships in the County for solid waste recycling programs.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement, the parties mutually agree to the following terms and conditions:

1. **PURPOSE.** The purpose of this Agreement is to provide for cooperation between the County and the Municipality to implement solid waste recycling programs in the Municipality.
2. **TERM.** The term of this Agreement is from January 1, 2014 through December 31, 2014, unless earlier terminated as provided herein.
3. **DEFINITIONS.**
 - a. "Problem material" shall have the meaning set forth in Minn. Stat. § 115A.03, subdivision 24a.
 - b. "Multi-unit households" means households within apartment complexes, condominiums, townhomes, mobile homes and senior housing complexes.
 - c. "Opportunity to recycle" means providing recycling and curbside pickup or collection centers for recyclable materials as required by Minn. Stat. § 115A.552.
 - d. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.
 - e. "Recyclable materials" means materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, fluorescent lamps, major appliances and vehicle batteries.
 - f. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.
 - g. "Yard waste" shall have the meaning set forth in Minn. Stat. § 115A.03, subdivision 38.

4. **PROGRAM.** The Municipality shall develop and implement a residential solid waste recycling program adequate to meet the Municipality's annual recycling goal of 5,758 tons of recyclable materials as established by the County. The Municipality shall ensure that the recyclable materials collected are delivered to processors or end markets for recycling.
- a. The Municipal recycling program shall include the following components:
 - i. Each household (including multi-unit households) in the Municipality shall have the opportunity to recycle at least four broad types of materials, such as paper, glass, plastic, metal and textiles.
 - ii. The recycling program shall be operated in compliance with all applicable federal, state, and local laws, ordinances, rules and regulations.
 - iii. The Municipality shall implement a public information program that contains at least the following components:
 - (1) One promotion is to be mailed to each household focused exclusively on the Municipality's recycling program;
 - (2) One promotion advertising recycling opportunities available for residents is to be included in the Municipality's newsletter or local newspaper; and
 - (3) Two community outreach activities at municipal events to inform residents about recycling opportunities.The public information components listed above shall focus on all recyclable materials and the various opportunities to recycle within the Municipality.
 - iv. The Municipality, on an ongoing basis, shall identify new residents and provide detailed information on the recycling opportunities available to these new residents.
 - v. The Municipality shall regularly attend the monthly Solid Waste Abatement Advisory Team meetings.
 - b. The Municipality is encouraged to expand its recycling program to include one or more of the following components in order to receive additional funding.
 - i. Organize either 1) spring and fall clean-up/recycling drop-off events, or 2) monthly (at least 8 during the course of the year) recycling drop offs which can be held in conjunction with a neighboring municipality on a cooperative basis for the citizens of both Municipalities.
 - ii. Provide a community event recycling program, which at a minimum would consist of providing recycling opportunities at all Municipal sponsored events and festivals. The feasibility of adding organics collection at the event may also be explored and added to the event as an enhancement to the waste abatement program.
 - iii. Provide the opportunity for citizens to engage in recycling activities at municipal parks.
 - iv. Organize and manage a Full Service Recycling Drop-off Center.
 - v. Develop enhanced recycling promotion and assistance for multi-units.
 - c. If the Municipality's recycling program did not achieve the Municipality's recycling goals as established by the County for the prior calendar year, the Municipality shall work with the County to prepare a plan to achieve the recycling goals set forth in this Agreement.

5. **REPORTING.** The Municipality shall submit the following reports semiannually to the County no later than July 20, 2014 and January 20, 2015:
 - a. An accounting of the amount of waste which has been recycled as a result of the Municipality's activities and the efforts of other community programs, redemption centers and drop-off centers. For recycling programs, the Municipality shall certify the number of tons of each recyclable material which has been collected and the number of tons of each recyclable material which has been marketed. For recycling programs run by other persons or entities, the Municipality shall also provide documentation on forms provided by the County showing the tons of materials that were recycled by the Municipality's residents through these other programs. The Municipality shall keep detailed records documenting the disposition of all recyclable materials collected pursuant to this agreement. The Municipality shall also report the number of cubic yards or tons of yard waste collected for composting or land spreading, together with a description of the methodology used for calculations. Any other material removed from the waste stream by the Municipality, i.e. tires and used oil, shall also be reported separately.
 - b. Information regarding any revenue received from sources other than the County for the Municipality's recycling programs.
 - c. Copies of all promotional materials that have been prepared by the Municipality during the term of this Agreement to promote its recycling programs.

The Municipality agrees to furnish the County with additional reports in form and at frequencies requested by the County for financial evaluation, program management purposes, and reporting to the State of Minnesota.

6. **BILLING AND PAYMENT PROCEDURE.** The Municipality shall submit itemized invoices semiannually to the County for abatement activities no later than July 20, 2014 and January 20, 2015. Costs not billed by January 20, 2015 will not be eligible for funding. The invoices shall be paid in accordance with standard County procedures, subject to the approval of the Anoka County Board of Commissioners.
7. **ELIGIBILITY FOR FUNDS.** The Municipality is entitled to receive reimbursement for eligible expenses, less revenues or other reimbursement received, for eligible activities up to the project maximum as computed below, which shall not exceed \$209,080. The project maximum for eligible expenses shall be computed as follows:
 - a. A base amount of \$10,000.00 for recycling activities only; and
 - b. \$5.00 per household for recycling activities only; and
 - c. As provided according to the schedule in Attachment A for each of the following services: Full Service Recycling Drop-off Center, Spring/Fall or Monthly Drop-off events; Municipal Park Recycling; Community Event Recycling; and Multi-unit Recycling; and
 - d. After considering the 2014 Municipal Funding Request (Attachment B) designating the additional Grant Projects that the City will undertake in the upcoming year; and
 - e. Including an additional change order contingency of up to 10% of the total of the first four items in this list.

Notwithstanding any provision to the contrary, the County reserves the right to reduce the funding provided hereunder in the event the City does not undertake and complete the additional Grant Projects referenced in Attachment B.

8. **RECORDS.** The Municipality shall maintain financial and other records and accounts in accordance with requirements of the County and the State of Minnesota. The Municipality shall maintain strict accountability of all funds and maintain records of all receipts and disbursements. Such records and accounts shall be maintained in a form which will permit the tracing of funds and program income to final expenditure. The Municipality shall maintain records sufficient to reflect that all funds received under this Agreement were expended in accordance with Minn. Stat. § 115A.557, subd. 2, for residential solid waste recycling purposes. The Municipality shall also maintain records of the quantities of materials recycled. All records and accounts shall be retained as provided by law, but in no event for a period of less than five years from the last receipt of payment from the County pursuant to this Agreement.
9. **AUDIT.** Pursuant to Minn. Stat. § 16C.05, the Municipality shall allow the County or other persons or agencies authorized by the County, and the State of Minnesota, including the Legislative Auditor or the State Auditor, access to the records of the Municipality at reasonable hours, including all books, records, documents, and accounting procedures and practices of the Municipality relevant to the subject matter of the Agreement, for purposes of audit. In addition, the County shall have access to the project site(s), if any, at reasonable hours.
10. **GENERAL PROVISIONS.**
 - a. In performing the provisions of this Agreement, both parties agree to comply with all applicable federal, state or local laws, ordinances, rules, regulations or standards established by any agency or special governmental unit which are now or hereafter promulgated insofar as they relate to performance of the provisions of this Agreement. In addition, the Municipality shall comply with all applicable requirements of the State of Minnesota for the use of SCORE funds provided to the Municipality by the County under this Agreement.
 - b. No person shall illegally, on the grounds of race, creed, color, religion, sex, marital status, public assistance status, sexual preference, handicap, age or national origin, be excluded from full employment rights in, participation in, be denied the benefits of, or be otherwise subjected to unlawful discrimination under any program, service or activity hereunder. The Municipality agrees to take affirmative action so that applicants and employees are treated equally with respect to the following: employment, upgrading, demotion, transfer, recruitment, layoff, termination, selection for training, rates of pay, and other forms of compensation.
 - c. The Municipality shall be responsible for the performance of all subcontracts and shall ensure that the subcontractors perform fully the terms of the subcontract. The Agreement between the Municipality and a subcontractor shall obligate the subcontractor to comply fully with the terms of this Agreement.
 - d. The Municipality agrees that the Municipality's employees and subcontractor's employees who provide services under this agreement and who fall within any job classification established and published by the Minnesota Department of Labor &

Industry shall be paid, at a minimum, the prevailing wages rates as certified by said Department.

- e. It is understood and agreed that the entire Agreement is contained herein and that this Agreement supersedes all oral and written agreements and negotiations between the parties relating to the subject matter hereof.
 - f. Any amendments, alterations, variations, modifications, or waivers of this Agreement shall be valid only when they have been reduced to writing, duly signed by the parties.
 - g. Contracts let and purchases made under this Agreement shall be made by the Municipality in conformance with all laws, rules, and regulations applicable to the Municipality.
 - h. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause or phrase of this Agreement is for any reason held to be contrary to law, such decision shall not affect the remaining portion of this Agreement.
 - i. Nothing in this Agreement shall be construed as creating the relationship of co-partners, joint venturers, or an association between the County and Municipality, nor shall the Municipality, its employees, agents or representatives be considered employees, agents, or representatives of the County for any purpose.
11. **PUBLICATION.** The Municipality shall acknowledge the financial assistance of the County on all promotional materials, reports and publications relating to the activities funded under this Agreement, by including the following acknowledgement: "Funded by the Anoka County Board of Commissioners and State SCORE funds (Select Committee on Recycling and the Environment).
12. **INDEMNIFICATION.** The County agrees to indemnify, defend, and hold the Municipality harmless from all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, resulting from the acts or omissions of its public officials, officers, agents, employees, and contractors relating to activities performed by the County under this Agreement.
- The Municipality agrees to indemnify, defend, and hold the County harmless from all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, resulting from the acts or omissions of its public officials, officers, agents, employees, and contractors relating to activities performed by the Municipality under this Agreement.
- The provisions of this subdivision shall survive the termination or expiration of the term of this Agreement.
13. **TERMINATION.** This Agreement may be terminated by mutual written agreement of the parties or by either party, with or without cause, by giving not less than seven (7) days written notice, delivered by mail or in person to the other party, specifying the date of termination. If this Agreement is terminated, assets acquired in whole or in part with funds provided under this Agreement shall be the property of the Municipality so long as

said assets are used by the Municipality for the purpose of a landfill abatement program approved by the County.

IN WITNESS WHEREOF, the parties hereunto set their hands as of the dates first written above:

CITY OF COON RAPIDS

COUNTY OF ANOKA

By: _____

By: _____

Name: _____

Rhonda Sivarajah, Chair
Anoka County Board of Commissioners

Title: _____

Date: _____

Date: _____

By: _____

By: _____
Municipality's Clerk

Jerry Soma
County Administrator

Date: _____

Date: _____

Approved as to form and legality:

Approved as to form and legality:

Assistant County Attorney

**2014 Municipal Funding Request
Attachment B**

The City of Coon Rapids is requesting the following funding for their municipal efforts in 2014.

Grant Projects	Eligible Allocations	Amount Requested
Municipal Grant Funding Allocation	\$128,400	\$128,400
Full Service Drop-off Center Allocation (Staffed recycling center, open a minimum of 3 days per week, collecting mattresses, traditional recyclables, scrap metal, carpet, etc.)	\$30,000.00	30,000
Monthly Drop-off Center (at least 8 per year)	\$15,000	\$ 15,000
Municipal Park/Community Event Recycling	\$6,000	\$ 6,000
Multi-Unit /Curbside Recycling	\$6,000	\$ 6,000
Recycling Enhancement Grant (Additional promotion efforts, multi-units, organics program) Insert a description of the efforts being proposed below.	\$23,680	\$ 23,680
Total Amount Eligible Being Requested for 2014	\$209,080	\$* 209,080

A description of the efforts being proposed for the Recycling Enhancement Grant.

The requested funding amount covers the general operating costs of running the recycling program. This includes site staff, a full time Recycling Coordinator and a part time recycling assistant to run a program that is open to the public five days a week all year. Special events such as paper shredding, electronics and appliances, as well as mattress recycling and the continuing of organic food waste recycling. A capital improvement is included, upgrading our current security camera system from analog to digital and adding two additional cameras.

The City of Coon Rapids requests \$209,080.00 for 2014 Municipal Funding.

Date 1-30-2014

Name Colleen Sinclair

Title Recycling Coordinator

*these amounts should match and may not exceed eligible allocation total. This amount will be 10% less than the contract maximum for the grant.

General Security Services Corporation
 9110 Meadowview Road
 Minneapolis MN 55425
 Tel: 952-858-5000
 Fax: 952-858-5051

Proposal Agreement

Proposal No: 28686
Date: 1/28/2014
Designed by: Robert Kilian

Work Location:

City of Coon Rapids Recycling center
 1831 111th Avenue
 Coon Rapids MN 55433

Bill To:

CITY OF COON RAPIDS
 11155 ROBINSON DRIVE
 COON RAPIDS MN 55433

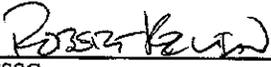
Quantity	Description
4.00	Arecont Vision - 3MP IPCamera
4.00	Arecont MPL 12-40Lens
1.00	4- NVT-Ethernet over CoaxTranceivers
2.00	Arecont Vision 3MP outdoorIP Camera
1.00	Monitor, 17"LCD, 1024x1024VGA Only
1.00	ExacqVision-2TB NVR
1.00	16 port network switch
100.00	CL2P Plenum Solid Cat 5e
1.00	Power Supply CCTV,12/24 VDC8 Fused Output DC indoor 4amp
	Wire Pull, Drop-tile ceilingup to 4 wires
	Labor, installation, Scope of work: GSSC proposes to provide the following services: 1. Add one IP camera to view the oil drop off 2. Add one IP camera to view the East carpet area 3. Replace 4 existing analog cameras with IP cameras 4. Replace the existing DVR with a new 1TB NVR 5. Replace the existing monitor 6. Install a new power supply for all new and existing cameras 7. Clean up the CCTV system head end wiring - install to professional standards.

Total (Applicable tax not included) \$15,937.25

It is the responsibility of the customer to provide all AC power connectors and/or outlets needed on dedicated circuits if necessary. If applicable, all sprinkler alarm and supervisory switches are to be provided by the customer. If any additional equipment or services are required by the person(s) having jurisdiction, (e.g.: Fire Marshall, Building Inspector, etc.), the costs will be incurred solely by the customer, including any permits or inspection fees. GSSC is able to invoice in-progress installations. This Schedule of Equipment is incorporated herein by reference into the Agreement between the parties. All terms and conditions of the Agreement between the parties shall apply to this document.

GSSC hereby propose to furnish labor and materials - complete in accordance with the above specifications only, for the above dollars with payment as follows: **Net 10days**. All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs, will be executed only upon written/verbal orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. This proposal subject to acceptance within 30 days and is void thereafter at the option of GSSC.

The above prices, specifications and conditions are herby accepted. GSSC is authorized to do the work as specified. Payments will be made as outlined above.

 1-28-14

 Signature/GSSC Date

Accepted: 

 Signature/Customer Date



City Council Regular

2.

Meeting Date: 02/05/2014

Subject: Class A On-Sale, Sunday Liquor, and Tavern License for HMM, LLC dba Chanticlear Pizza at 11706 Crooked Lake Blvd

From: Vincent Vu, Management Analyst/Deputy Clerk

INTRODUCTION

Raymond McManus, as partner and on behalf of Dale Heille and Seth Mihelich for HMM, LLC, has submitted an application for a Class A On-Sale, Sunday Liquor, and Tavern license for Chanticlear Pizza at 11706 Crooked Lake Blvd.

DISCUSSION

HMM, LLC has obtained the vacant gas station site located at 11706 Crooked Lake Blvd. HMM, LLC plans to build a flagship Chanticlear Pizza location utilizing this vacant space as well as the adjacent Harvest African Market space. Tentatively, Harvest African Market plans to relocate to the existing Chanticlear location within the same parcel. Once the licensing process is complete, HMM, LLC plans to begin construction. HMM, LLC expects the flagship location to open on May 1.

The applicant has also applied for a Conditional Use Permit as they intend to occupy more than 25% of the building. The item will be before the Planning Commission in March and any license approval will be contingent upon receiving the CUP.

The license and investigation fees have been paid. The Police Department has conducted a comprehensive background investigation on all of the partners - Raymond McManus, Dale Heille, and Seth Mihelich - and has found nothing to prevent licensing. HMM, LLC is also applying for an optional 2 AM closing with the State of Minnesota Alcohol and Gambling Enforcement Division.

Certificate of Insurance evidencing liquor liability and workers' compensation coverage have been received. Approval of the license is conditioned upon approval of a Conditional Use Permit, Certificate of Occupancy, and the Anoka County Environmental Services issuing a food service license.

RECOMMENDATION

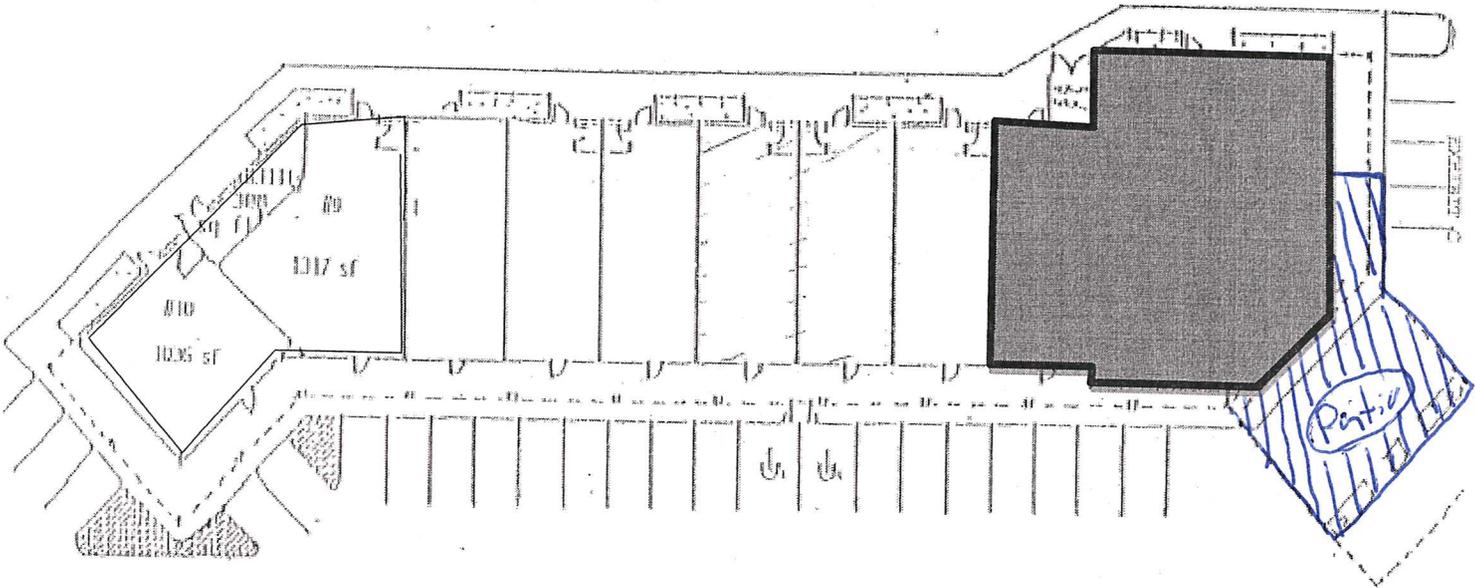
Council is requested to approve the issuance of a Class A On-Sale, Sunday Liquor, and Tavern licenses to HMM, LLC dba Chanticlear Pizza at 11706 Crooked Lake Blvd contingent upon obtaining approval of a Conditional Use Permit, Certificate of Occupancy and an Anoka County food service license.

Attachments

Chanticlear Pizza Site Plan

EXHIBIT B TO RETAIL LEASE

SITE PLAN





City Council Regular

3.

Meeting Date: 02/05/2014

Subject: Parks and Recreation Commission Appointment

Submitted For: Ryan Gunderson, Recreation
Coordinator

From: Cathy Sorensen, City Clerk

INTRODUCTION

The Parks and Recreation Commission recommends the appointment of one new member to the Commission.

DISCUSSION

Currently there is one vacancy on the Parks and Recreation Commission due to the passing of long-time member Mary Lou Hecht. Debra Lerdahl has submitted an application for the Commission, and after discussion with the applicant, the Commission recommended Ms. Lerdahl's appointment to the Parks and Recreation Commission with a term expiring December 31, 2016.

RECOMMENDATION

Staff recommends Council adopt Resolution 14-30 appointing Debra Lerdahl to the Parks and Recreation Commission with a term to expire December 31, 2016.

Attachments

Application

Resolution 14-30

U: Gress
Ryan



CITY OF COON RAPIDS

ADVISORY COMMISSION APPLICATION FORM

(Please type or use black ink)

DATE: 1-7-14

NAME: Debra A. Lerdahl

ADDRESS: 1111 1st St NW ZIP: 55448

TELEPHONE: Home: 763-432-1111 Work: 763-432-1111 Cell: 763-432-1111

EMAIL ADDRESS: debra.lerdahl@coonrapids.com

PLEASE RANK IN ORDER THE COMMISSIONS ON WHICH YOU WISH TO SERVE (leave blank any Commissions on which you do not wish to serve):

- Arts
- Board of Adjustment and Appeals
- Capital Improvement
- Charter
- Civil Service (Police & Fire)
- Historical
- Housing/Community Development
- Mortgage Assistance Foundation
- Parks and Recreation
- Planning
- Safety
- Sustainable Community (Green)

A) WORK EXPERIENCE: 40 years State of MN / ran State Employee Softball league, social activity planner for office.

Organized many different programs as Co. Chair Wellness Committee.
B) CIVIC, PROFESSIONAL AND COMMUNITY ACTIVITIES: Volunteer for baseball, football and basketball programs at Coon Rapids High School / sideliners program Volunteer

C) WHY DO YOU WANT TO BE ON AN ADVISORY COMMISSION:
Would like to see Coon Rapids parks and Recreation improvements and create more recreation programs for Seniors and other areas needed.
(special needs)

D) WHAT SKILLS, STRENGTHS OR ABILITIES DO YOU BELIEVE YOU WILL ADD TO THE COMMISSION?

Strong organizational skills and have run recreation programs in the State. Have worked as Recreational Therapist at Group Home and Nursing home. Have project management skills, worked in construction programs and have legal skills.

E) ADDITIONAL COMMENTS:

In my job at the State I have worked in insurance requirements and project mgmt. Strong editing and social skills.

REFERENCES (Optional)

Name	Address	Phone
Jon Young	CR High School Football Coach/Teacher	
Kent Atlin	CEO Procurement	
Linda Feltes	State Wellness Coord.	
<i>[Signature]</i>		1-7-14

Please return to:

City Manager's Office
City of Coon Rapids
11155 Robinson Drive
Coon Rapids MN 55433-3761
Telephone: 763-767-6493

The information provided by you on this application will be used to determine your suitability for appointment to an advisory commission. Participation as an advisory commission member is strictly voluntary and you are not required by law to provide this information, however, should you not furnish this information the City may have difficulty determining your suitability for appointment, contacting you regarding your information, and if selected, with your duties on the advisory commission. Under Minnesota State statutes, only your name is considered public information upon appointment. Any other information on this application is private data and will be accessible only to you, City staff, or as provided for by Minnesota statutes.

RESOLUTION NO. 14-30

**RESOLUTION APPROVING THE APPOINTMENT OF ONE MEMBER TO THE
PARKS AND RECREATION COMMISSION**

WHEREAS, there currently exists a vacancy on the Parks and Recreation Commission with a term to expire December 31, 2016; and

WHEREAS, it is necessary to fill the vacancy that now exists; and

WHEREAS, the Parks and Recreation Commission recommends the appointment of Debra Lerdahl to the Commission.

NOW, THEREFORE, BE IT RESOLVED that Debra Lerdahl is appointed to an existing term that expires December 31, 2016.

Adopted this 5th day of February, 2014, by the Coon Rapids City Council.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



City Council Regular

4.

Meeting Date: 02/05/2014

Subject: Off-Site Gambling Permit for Coon Rapids Youth Hockey Association at the Harvest Grill for the Coon Rapids Youth Hockey Dance

From: Vincent Vu, Management
Analyst/Deputy Clerk

INTRODUCTION

The City received an application from Michelle Picknell-Lange on behalf of the Coon Rapids Youth Hockey Association to conduct off-site gambling at The Harvest Grill. This would temporarily allow charitable gambling to be conducted on the premises on February 14, 2014 for the purposes of the Coon Rapids Youth Hockey Dance. Council is asked to adopt a resolution for issuance of an Off-Site Gambling Permit for the Coon Rapids Youth Hockey Association to conduct raffles, bingo, and tipboards at 12800 Bunker Prairie Road.

DISCUSSION

Coon Rapids Youth Hockey Association is requesting approval of an off-site gambling permit. The Minnesota Gambling Control Board requires City Council adoption of a resolution approving the issuance of an off-site gambling permit.

RECOMMENDATION

Council is requested to adopt Resolution 14-29 Concurring with Issuance of an Off-site Lawful Gambling Permit on February 14, 2014 for Coon Rapids Youth Hockey Association at The Harvest Grill.

Attachments

Resolution 14-29

RESOLUTION 14-29

**RESOLUTION CONCURRING WITH ISSUANCE OF AN
OFF-SITE LAWFUL GAMBLING PERMIT
COON RAPIDS YOUTH HOCKEY ASSOCIATION AT THE HARVEST GRILL**

WHEREAS, the Coon Rapids Youth Hockey Association is licensed by the Minnesota Gambling Control Board to conduct lawful gambling at Broadway Pizza and Carbone's/CR Billiards; and

WHEREAS, the Coon Rapids Youth Hockey Association is seeking Council approval to conduct raffles, bingo, and tipboards at The Harvest Grill during the Coon Rapids Youth Hockey Dance event on February 14, 2014; and

WHEREAS, the Minnesota Gambling Control Board requires City Council adoption of a resolution approving the issuance of an off-site gambling permit.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Coon Rapids, Minnesota, hereby concurs with the issuance of an off-site lawful gambling permit for the Coon Rapids Youth Hockey Association to conduct lawful gambling during the Coon Rapids Youth Hockey Dance at The Harvest Grill, 12800 Bunker Prairie Road, on February 14, 2014.

Adopted by the Coon Rapids City Council this 5th day of February, 2014.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



City Council Regular

5.

Meeting Date: 02/05/2014

Subject: Adopt Ordinance and Resolution 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 adopt an ordinance and resolution 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 was introduced by Council on January 21, 2014. Council is now requested to adopt the ordinance and a resolution restricting parking on University Avenue.

RECOMMENDATION

It is recommended the Council take the following action:

- a. Adopt an Ordinance restricting parking on the west side of University Avenue from Northdale Boulevard to Main Street.
- b. Adopt Resolution No. 14-28 relating to parking restrictions on the west side of University Avenue from Northdale Boulevard to Main Street.

Attachments

Parking Restriction Ordinance

Parking Restriction Resolution

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 5th day of February, 2014.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk

RESOLUTION NO. 14-28

**A RESOLUTION RELATING TO PARKING RESTRICTIONS ON
THE WEST SIDE OF UNIVERSITY AVENUE FROM
NORTHDALÉ BOULEVARD TO MAIN STREET**

WHEREAS, this resolution was passed this 5th day of February, 2014, by the City of Coon Rapids (hereinafter "City") in Anoka County, Minnesota; and

WHEREAS, Anoka County has planned the improvement of University Avenue (County State Aid Highway No. 51) from Northdale Boulevard (County State Aid Highway No. 12) to Main Street (County State Aid Highway No. 14), in the City of Coon Rapids, Minnesota; and

WHEREAS, the City will be expending Municipal State Aid Funds on the improvement of University Avenue and Anoka County will be expending Federal Funds; and

WHEREAS, this improvement does not provide adequate width for parking on both sides of University Avenue from Northdale Boulevard to Main Street, and approval of the proposed construction as a County State Aid Highway project must, therefore, be conditioned upon certain parking restrictions; and

WHEREAS, University Avenue has posted speed limits up to 50 mph making on-street parking dangerous for vehicle traffic.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Coon Rapids, Minnesota that parking of motor vehicles shall be banned on the west side of University Avenue from Northdale Boulevard to Main Street at all times.

Adopted this 5th day of February, 2014.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



City Council Regular

6.

Meeting Date: 02/05/2014

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.

Council introduced the ordinance at their January 17 meeting. To date staff has heard from only one of the current premise permit license holders, Coon Rapids Youth Hockey, who had no objection to the amendment.

RECOMMENDATION

Council is asked to adopt 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

Attachments

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 *JH*

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.

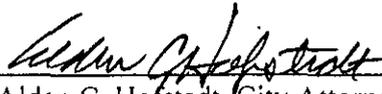
Mayor, City Councilmembers, City Manager
May 1, 2003
Page 2

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



City Council Regular

7.

Meeting Date: 02/05/2014

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

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting approval 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.

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 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 the 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 as 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.

At the January 21st meeting, the Council introduced the ordinance approving the proposed zone change.

RECOMMENDATION

In Planning Case 13-25, the City Council adopt the proposed 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

Land Use Map

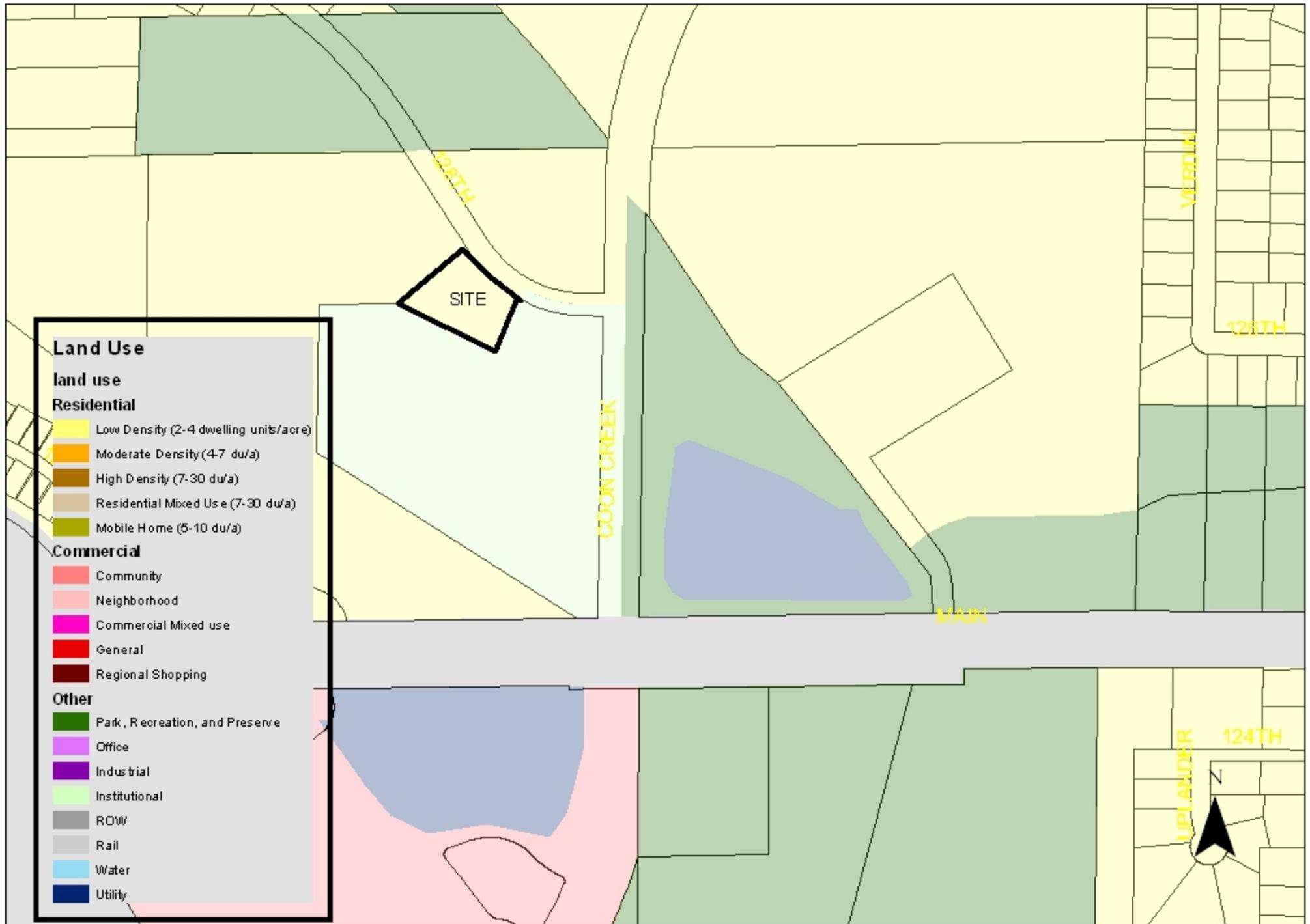
Zoning Map

Proposed Ordinance

Location Map



Land Use Map



Zoning 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



City Council Regular

8.

Meeting Date: 02/05/2014

Subject: Preliminary Plat Request for 10 Single Family Lots, 128th Avenue and Coon Creek Boulevard, D. and J. Lawrence, PC 13-26

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting preliminary plat approval for Lawrence Estates. The proposed plat includes 10 single family lots on the north and south sides of 128th Avenue, west of Coon Creek Boulevard.

DISCUSSION

Background

The applicant owns 17.2 acres on the south side of 128th Avenue and 2.9 acres on the north side. They are proposing to plat six lots along the south side of 128th street and four lots on the north side. Much of the property on both sides of 128th Avenue is wetland and floodplain. Wetland and flood plain mitigation will be required to make eight of the lots buildable. All of the lots front on 128th Avenue to minimize the amount of mitigation required. The applicant has also applied for a zone change from Moderate Density Residential to Low Density Residential 2 (PC13-25) for a portion of the property on the south side of 128th Avenue that is being considered concurrently with this plat. Sewer and water are located under 128th Avenue and are available to the proposed lots.

Analysis

Lots on South Side of 128th Street

There are six lots proposed on the 17.2 acres located on the south side of 128th Avenue and all six lots front on the street. The lots comply with the dimensional requirements of the LDR2 zoning district. They range in width from 85 feet to 90 feet and range in size from 17,188 square feet to 21,752 square feet. Most of the wetland and floodplain will be platted as a 14.6 acre outlet.

Lots on North Side of 128th Street

There are four lots proposed on the 2.9 acres located on the north side of 128th Avenue and all four lots front on the street. The lots comply with the dimensional requirements of the LDR2 zoning district. They range in width from 85 feet to 103 feet and range in size from 10,988 square feet to 12,717 square feet. Most of the wetland and floodplain will be platted as a 1.85 acre outlet.

Wetland and Floodplain Mitigation

The applicant has been working with the Coon Creek Watershed on wetland and floodplain mitigation. As a result of those discussions and soil borings, two lots were eliminated from the north side of 128th Avenue resulting in the four lots as proposed. Successful implementation of the mitigation plans should be a condition of approval.

Park Dedication

Park dedication for 10 lots in the amount of \$20,000 (\$2,000 x 10 lots) is required prior to releasing the plat for recording.

Planning Commission Meeting

At the Planning Commission meeting held on December 19th, no one spoke at the public hearing. The Commission voted unanimously to recommend approval of the preliminary plat.

RECOMMENDATION

In Planning Case 13-26, the City Council approval the preliminary plat for Lawrence Estates with the following conditions:

1. The proposed rezoning in PC13-25 is approved by the City Council.
2. One street tree per lot is planted prior to issuance of a Certificate of Occupancy.
3. The applicant implement all requirements and conditions of the wetland and floodplain mitigation permits.
4. All comments of the City Engineer be addressed.
5. Park dedication in the amount of \$20,000 be paid prior to releasing the plat for recording.
6. Execution of a development agreement with the City.

Attachments

Location Map

Preliminary Plat

Grading Plan

Utility Plan

Engineer's Memo

Location Map



DESCRIPTION OF PROPERTY

The Southwest Quarter of the Southeast Quarter of Section 4, Township 31, Range 24, Anoka County, Minnesota.

EXCEPT

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

Beginning at a point on the south line of said Southeast Quarter distant 1380.19 feet westerly of the southeast corner thereof, for the purposes of this description said south line is assumed to bear South 89 degrees 19 minutes 04 seconds West a distance of 57 minutes 23 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 tangential curve concave to the northeast, having a radius of 340.00 feet and a central angle of 27 degrees 07 minutes 53 seconds; thence South 28 degrees 05 minutes 08 seconds West, not tangent to said curve, a distance of 180.00 feet; thence North 61 degrees 54 minutes 53 seconds West a distance of 280.00 feet; thence South 89 degrees 11 minutes 51 seconds West a distance of 218.33 feet; thence South 0 degrees 57 minutes 22 seconds West a distance of 397.72 feet; thence South 57 degrees 35 minutes 12 seconds East a distance of 964.93 feet to the point of beginning. (Also being part of Lot 13, AUDITOR'S SUBDIVISION NO. 97).

ALSO EXCEPT

ALEXANDRAS COVE THIRD ADDITION, according to said plot on file and of record in the office of the County Recorder, Anoka County, Minnesota.

DESCRIPTION OF PUBLIC UTILITY EASEMENT PER DOCUMENT NO. 871610 TO BE VACATED:

A strip of land 20.00 feet wide, the centerline of said strip being described as follows:

Commencing at the southeast corner of the Southeast Quarter of Section 4, Township 31 North, Range 24 West of the 4th Principal Meridian, Anoka County, Minnesota; thence South 89 degrees 19 minutes 04 seconds West along the south line of said Southeast Quarter for 1380.19 feet; thence North 00 degrees 57 minutes 08 seconds East for 911.99 feet; thence North 89 degrees 02 minutes 45 seconds West for 114.01 feet; thence northwesterly a distance of 334.64 feet along a tangential curve concave to the northeast, having a radius of 340.00 feet and a central angle of 56 degrees 23 minutes 35 seconds; thence North 32 degrees 39 minutes 00 seconds West for 48.86 feet to the point of beginning of the centerline to be described; thence North 57 degrees 21 minutes 00 seconds East for 130.00 feet and said centerline there terminating.

NOTES:

- 1. The property lies within Zone A3, Zone A4, Zone B, and Zone C per FEMA Flood Panel H8-0 Community No. 27001A dated March 15, 1977. The base flood elevation for Zone A3 effecting the portion of property lying South of 128th Avenue NW is 858.0 (NGVD 1929). The base flood elevation for Zone A4 effecting the portion of property lying North of 128th Avenue NW is 858.2 (NGVD 1929).
2. The existing contour data as shown is LIDAR contours obtained from the Minnesota Department of Natural Resources and field survey along 128th Avenue NW.
3. Wetlands were delineated by others.
4. Property includes PID No. 04-31-24-43-0003 & PID No. 04-31-24-43-0004.
5. Coon Creek Watershed Flood Elevations as shown are based on current Atlas 14 Model.

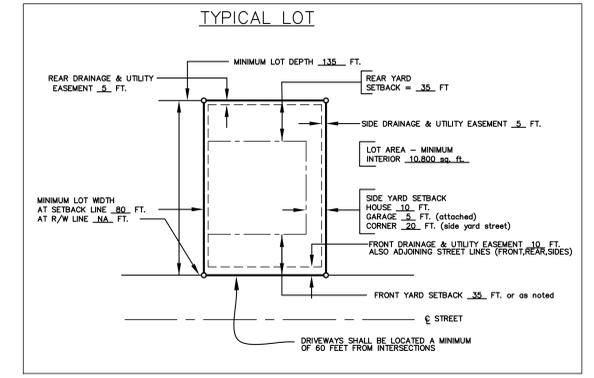
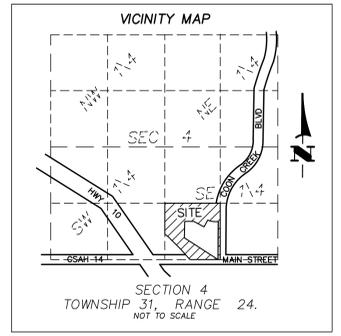
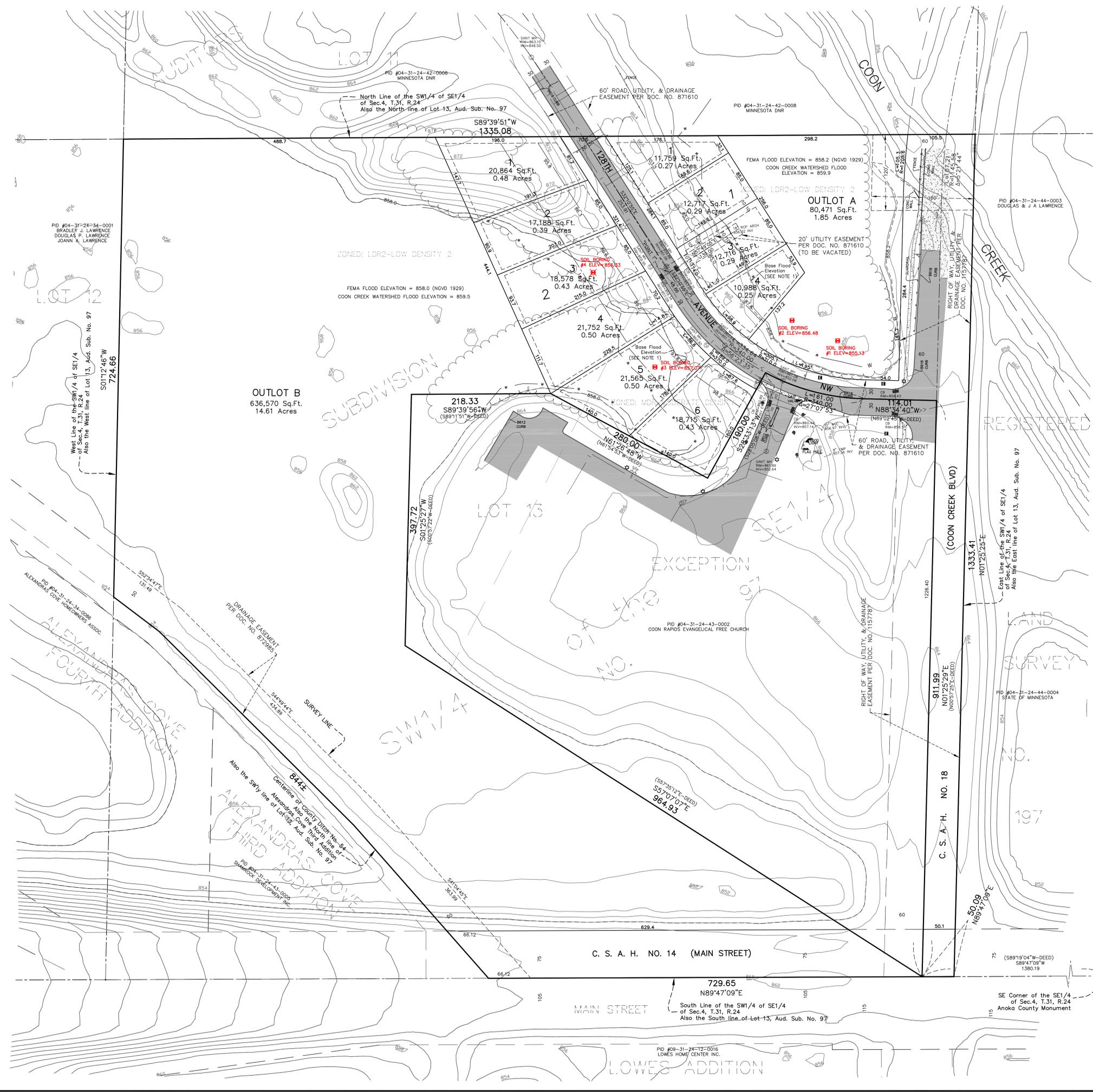
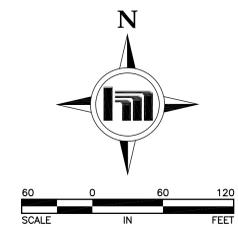


Table with 2 columns: Property Information and Building Setbacks. Property Information includes Municipality (City of Coon Rapids), Existing Zoning (LDR-2 Low-Density Residential), Proposed Zoning (LDR-2 Low-Density Residential), Proposed Use (Single Family Residential), Watershed District (Coon Creek Watershed District), Road Mileage (none), Street Lighting (as required), Proposed Utilities (Sewer: Municipal, Water: Municipal), and Plat Area (Total Area: 1,059,588 sq. ft. = 24.32 acres, Proposed ROW: 175,704 sq. ft. = 4.03 acres, Park Area: 0 sq. ft. = 0.00 acres, Easement: 0 sq. ft. = 0.00 acres, Ponding: 0 sq. ft. = 0.00 acres). Building Setbacks include Front (35 feet), Rear (35 feet), Side (20 feet), and Side (10 feet for house, 5 feet for attached garage). Lot Summary: Number of Lots: 10 Single Family Residential, 2 Outlots. Owner/Subdivider: Douglas P. Lawrence, JoAnn A. Lawrence, Bradley J. Lawrence (Lawrence Properties 1, LLC), 2477 Main Street NW, Coon Rapids, MN 55448, (763) 755-4930. Designer/Surveyor: Hakanson Anderson Assoc., 3601 Thurston Avenue, Anoka, MN 55303, (763) 427-5860.

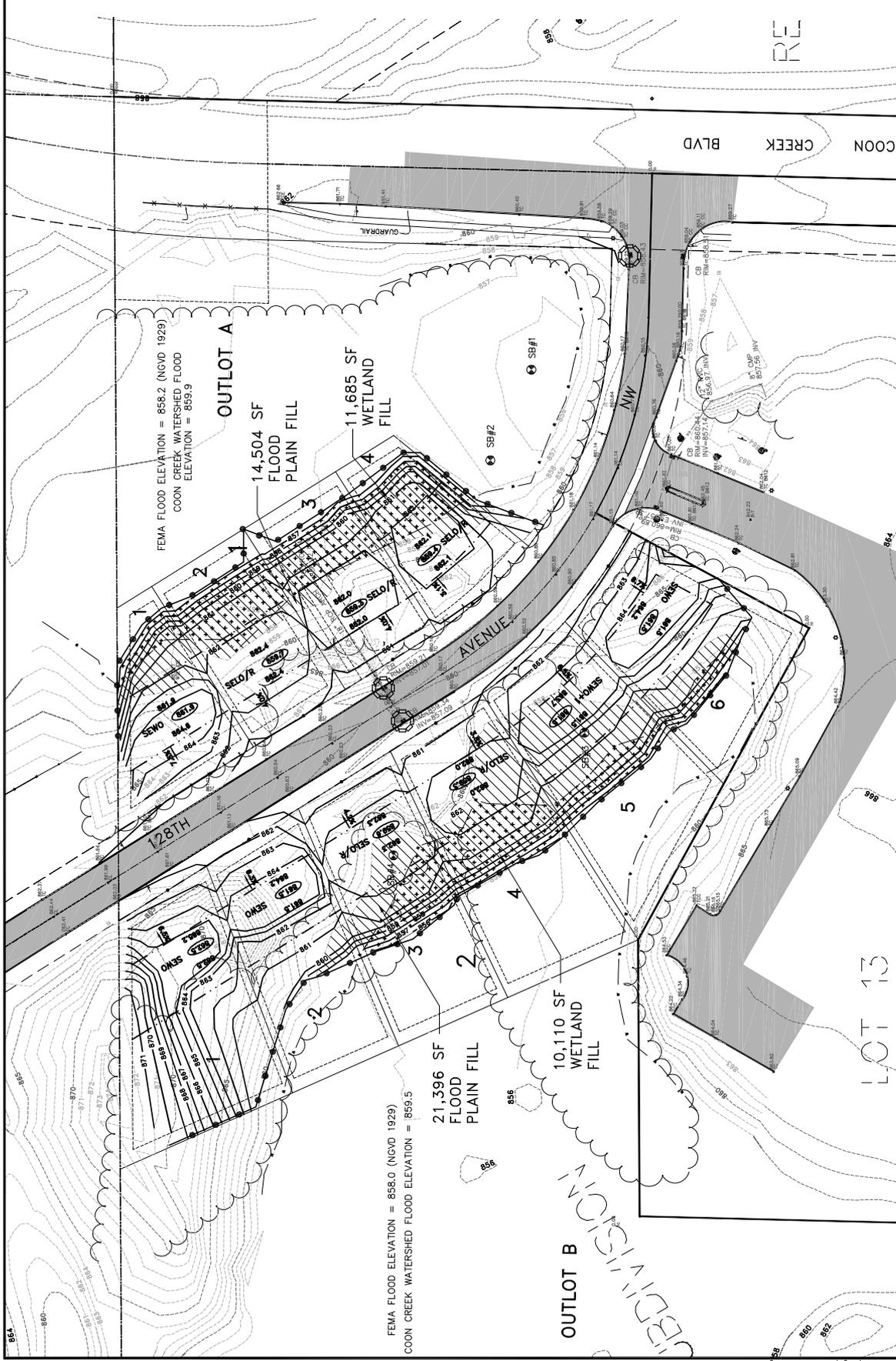
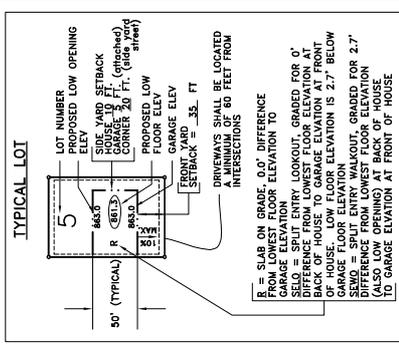
LEGEND table listing symbols for existing surface contour, iron monument found, iron monument set and marked with license no. 18420, sign, telephone pedestal, electric transformer, gate valve, sanitary sewer manhole, hydrant, storm sewer manhole, catch basin, light, water line, sanitary sewer line, storm sewer line, and delineated wetland (by others).



Vertical sidebar containing: DESIGNER BY BRP, DRAWN BY BRP, CHECKED BY CAC, REMOVED LOTS, EXISTING ZONING, DATE, REVISION, DATE, and a large signature block for Hakanson Anderson, Lawrence Properties 1, LLC, dated 8/29/13.

LEGEND

- DRAINAGE AND UTILITY EASEMENT
- - - BUILDING SETBACK
- - - EXISTING STORM SEWER
- - - EXISTING SANITARY SEWER
- - - EXISTING WATERMAIN
- - - EXISTING WATER VALVE
- - - EXISTING CATCH BASIN
- - - EXISTING SANITARY MANHOLE
- - - PROPOSED CONTOURS
- - - PROPOSED SPOT ELEVATION
- - - EXISTING SPOT ELEVATION
- - - EXISTING LIGHT POLE
- - - INLET PROTECTION DEVICE PER 3 G2
- - - SILT FENCE PER 2 G2
- - - DRAINAGE ARROW
- - - EXISTING BITUMINOUS PAVEMENT
- - - WETLAND FILL
- - - FEMA FLOOD PLAIN FILL (95% CONTOUR)
- - - UTILITY FEDESTALS



GENERAL NOTES:

- THE CONTRACTOR SHALL CONTACT GOPHER STATE "ONE CALL" FOR UTILITY LOCATIONS (651-484-0022).
- ALL SITE WORK SHALL CONFORM TO THE NPDES PERMIT AND SHPP PLAN.
- SILT FENCE AND OTHER EROSION CONTROL SHALL BE IN PLACE PRIOR TO ANY EXCAVATION OR CONSTRUCTION. ALL EROSION AND SEDIMENT CONTROL SHALL REMAIN IN PLACE UNTIL VEGETATION HAS BEEN ESTABLISHED. CONTRACTOR SHALL REMOVE ALL EROSION CONTROL (OFF-SITE) AFTER SITE HAS BEEN STABILIZE. THIS WORK SHALL BE INCIDENTAL TO THE PAY ITEMS.
- ALL EXPOSED SOIL WITH SLOPES OF 4:1 AND LESS SHALL BE STABILIZED WITHIN 14 CALENDAR DAYS OF ACTIVELY BEING WORKED AND ALL SOILS WITH SLOPES GREATER THAN 4:1 SHALL BE STABILIZED WITHIN 7 DAYS.
- ALL PUBLIC STREETS SHALL BE KEPT FREE OF SOIL AND DEBRIS. STREET SWEEPING MAY BE REQUIRED AND SHALL BE AT THE CONTRACTORS COST.
- PRIOR TO ANY EXCAVATION OR CONSTRUCTION, THE CONTRACTOR SHALL INSTALL ROCK ENTRANCES (BOTH SIDES OF ROAD) PER DETAIL 1 G2.

REVISION

DATE	REVISION
10/27/13	REDUCED REAR YARD TO 25' WIDE BEFORE 4:1 SLOPE
11/27/13	REVISED FLOOD ELEV. AND HOUSE ELEVATIONS

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 Professional Engineer under the laws of the State of Minnesota.

Jeffrey M. Larson
 Lic. No. 45850
 Date 9/18/13

Hakanson Anderson
 Civil Engineers and Land Surveyors
 3601 Thurston Ave., Anoka, Minnesota 55303
 781-434-4242
 www.hakanson-anderson.com

LAWRENCE PROPERTIES 1, LLC
 LAWRENCE ESTATES

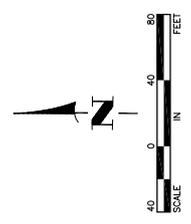
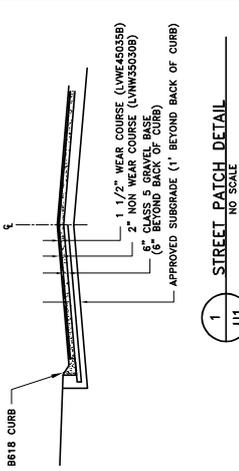
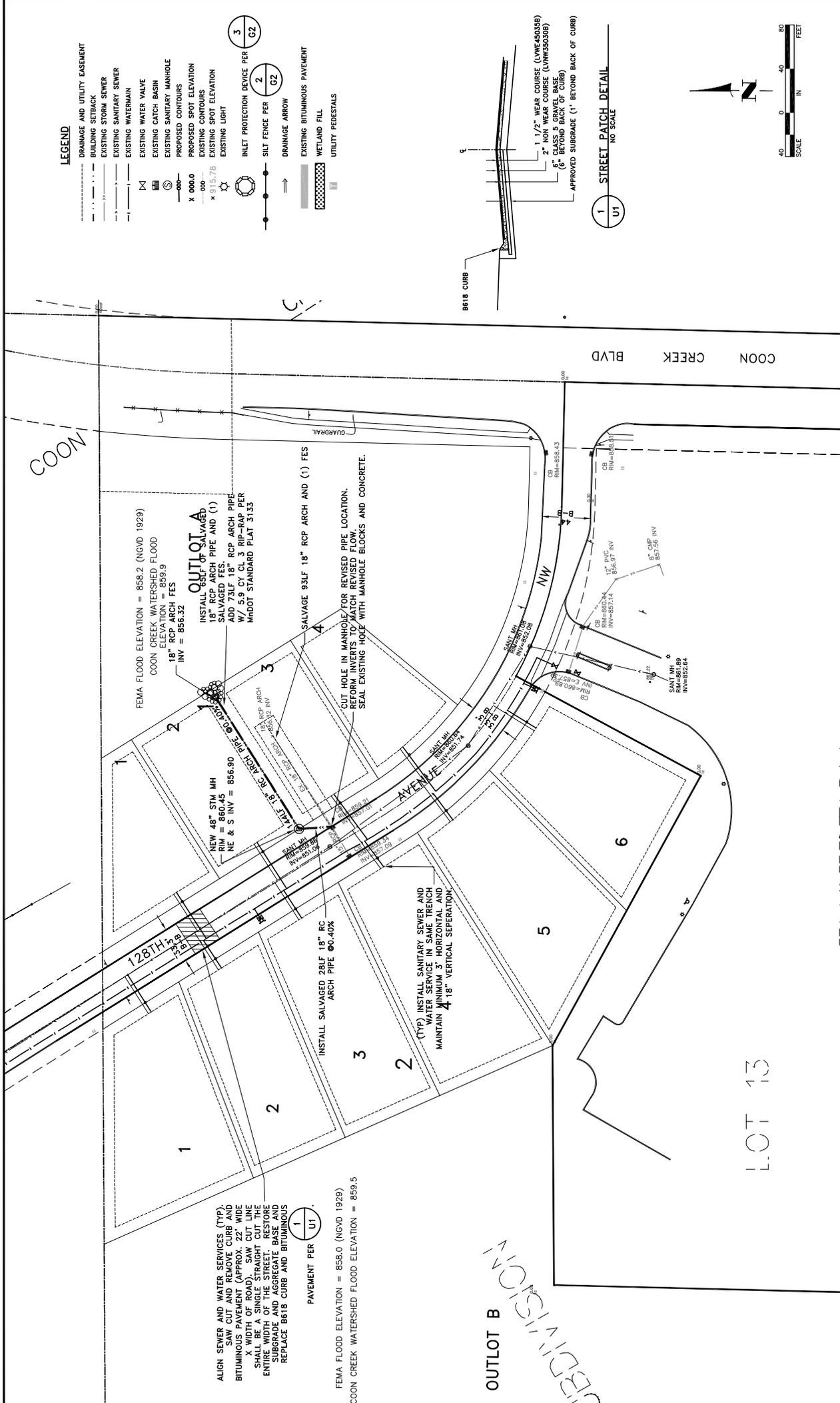
PRELIMINARY GRADING, DRAINAGE AND EROSION CONTROL PLAN

CITY OF COON RAPIDS, MINNESOTA

SHEET G1
 OF G1
 SHEETS 3796.01

LEGEND

- DRAINAGE AND UTILITY EASEMENT
- - - BUILDING SETBACK
- - - EXISTING STORM SEWER
- - - EXISTING SANITARY SEWER
- - - EXISTING WATERMAIN
- - - EXISTING WATER VALVE
- - - EXISTING CATCH BASIN
- - - EXISTING SANITARY MANHOLE
- - - PROPOSED CONTOURS
- - - EXISTING CONTOURS
- - - EXISTING SPOT ELEVATION
- - - EXISTING LIGHT
- INLET PROTECTION DEVICE PER G2
- SILT FENCE PER G2
- DRAINAGE ARROW
- ▨ EXISTING BITUMINOUS PAVEMENT
- ▨ WETLAND FILL
- ▨ UTILITY PEDESTALS



FEMA FLOOD ELEVATION = 858.2 (NGVD 1929)
 COON CREEK WATERSHED FLOOD ELEVATION = 859.9
 18" RCP ARCH FEES INV = 856.32

OUTLET
 INSTALL 24" SALVAGED 18" RCP ARCH PIPE AND (1) SALVAGED FEES.
 ADD 73LF 18" RCP ARCH PIPE W/ 5.9 CY CL 3 RIP-RAF PER MUDOT STANDARD PLAT 3133

NEW 48" STM MH RIM = 860.45 NE & S INV = 856.90

INSTALL 24" SALVAGED 18" RCP ARCH PIPE AND (1) FEES

CUT HOLE IN MANHOLE/FOR REVISED PIPE LOCATION. REFORM INVERTS TO MATCH REVISED FLOW. SEAL EXISTING HOLES WITH MANHOLE BLOCKS AND CONCRETE.

SALVAGE 93LF 18" RCP ARCH AND (1) FEES

INSTALL SANITARY SEWER AND WATER SERVICE IN SAME TRENCH MAINTAIN 4" 18" VERTICAL SEPERATION.

INSTALL SALVAGED 28LF 18" RC ARCH PIPE @0.40%

ALIGN SEWER AND WATER SERVICES (TYP). SAW CUT AND REMOVE CURB AND BITUMINOUS PAVEMENT (APPROX. 22" WIDE X WIDTH OF ROAD). SAW CUT LINE SHALL BE A SINGLE STRAIGHT CUT THE ENTIRE LENGTH OF THE TRENCH. REPLACE SUBGRADE AND AGGREGATE BASE AND REPLACE 8618 CURB AND BITUMINOUS PAVEMENT PER (1) U1.

FEMA FLOOD ELEVATION = 858.0 (NGVD 1929)
 COON CREEK WATERSHED FLOOD ELEVATION = 859.5

DATE	12/25/13	REVISION	REMOVED LOTS 5 & 6 - BLOCK 1
<p>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 Professional Engineer under the laws of the State of Minnesota.</p> <p style="text-align: right;"> Jeffrey M. Larson Lic. No. 45850 Date 9/18/13 </p>			
<p>SEWER</p> <p>BML RMM</p>		<p>T&E</p>	
<p>PRELIMINARY UTILITY PLAN</p>			
<p>LAWRENCE PROPERTIES 1, LLC LAWRENCE ESTATES</p>			
<p>Hakanson Anderson Civil Engineers and Land Surveyors 3601 Thurston Ave., Anoka, Minnesota 55303 7834 W. 13th St., Anoka, MN 55303 www.hakanson-anderson.com</p>			
<p>CITY OF COON RAPIDS, MINNESOTA</p>		<p>SHEET U1 OF U2 SHEETS</p>	



TO: Scott Harlicker, City Planner
FROM: Kevin Kawlewski, City Engineer
SUBJECT: Preliminary Plan Review
Lawrence Estates
DATE: December 10, 2013

I have completed my review of the preliminary site plans including grading and utility plans prepared by HAA dated 8/29/13 and revised 12/05/13. It is my understanding that this is a preliminary plat review under consideration by the Planning Commission at the December, 2013 meeting.

The plat includes the proposed development of 10 new single family lots along 128th Avenue NW west of Coon Creek Boulevard. A portion of the project area will impact wetlands in the area along with floodplain adjacent to Coon Creek. The project proposes to fill 35,900 square feet of flood plain and 21,795 square feet of wetland. The floodplain impact will need to be mitigated at a 1 to 1 ratio within the same flood plain area. The wetland mitigation requirements are proposed to be mitigated through the purchase of wetland credits from a local wetland bank.

The Flood Emergency Management Association (FEMA) 100-year flood elevation is 858.0 on the south and west side of 128th Avenue and 858.2 on the north and east side of the street. The lowest opening on any structure built in this area, per code, is required to be 2 feet above the 100-year flood elevation or else flood insurance will be required on the property. Some of the building pads shown on the grading plan will need to be adjusted accordingly. In addition to this, the Coon Creek WMO is reviewing the watershed with new rainfall data and the localized flood elevation could potentially be raised to an 859.9 elevation.

Public utilities including sanitary sewer, water main and storm sewer have previously been installed with the construction of 128th Avenue NW. The project will include the extension of sanitary sewer and water services to the individual lots and the relocation of the storm sewer discharge pipe. All excavations under the roadway for these installations will be restored to its original condition.

The Planning Commission is being requested to consider approval of the preliminary plat. Approval is recommended with the following conditions:

- The floodplain impact will need to be mitigated at a 1 to 1 ratio within the same flood plain area. The developer will need to submit a floodplain mitigation plan prior to any further approvals.
- The wetland impacts are required to be mitigated at a ratio of 2:1. It is the intent of the developer to purchase credits from a wetland bank to offset the impacts. Proof of the purchase will need to be provided to the City prior to placing fill in the wetlands.
- The plan will need to be submitted for review by Coon Creek as a condition of final plat approval.

- Building elevations on the grading plan will need to be required to have a 2 foot clearance from the lowest structure opening to the approved 100-year flood elevation.
- The developer will need to submit for approval a set of construction plans for the final improvements to be constructed with the project. This will need to be completed in conjunction with the final plat and construction will not be allowed until the construction plans are approved.

Cc: Tim Himmer, Public Works Director



City Council Regular

9.

Meeting Date: 02/05/2014

Subject: Cons. Appeal of Planning Commission Decision, Conditional Use Permit - North Point Church, 10732 Hanson Blvd., PC 13-30

From: Scott Harlicker, Planner

INTRODUCTION

The applicant wishes to use the property at 10732 Hanson Boulevards as a church. The property is zoned office, and churches require a conditional use permit in the office district.

DISCUSSION

Background

The applicant appeared before the Planning Commission on November 21, 2013 and January 16, 2014. At the November 21st meeting, the Commission tabled action on the CUP application and asked the applicant to revise its plan. On January 16th, Staff recommended to the Planning Commission approval of the CUP conditioned upon 33 parking spaces being located along 108th and Hanson, and that the site be brought into compliance with City standards upon the expansion of the parking area. The applicant rejected this recommendation. The Commission then denied the CUP application citing the requirement of the City having reasonable regulations to meet safety and welfare requirements. The applicant is appealing the decision of the Planning Commission.

Attached is the applicant's appeal. The applicant has summarized its plans for the building and the site, included a letter from an asphalt contractor outlining a scope of work for the area, and included an ALTA survey of the site. The applicant states in the appeal that the paving at the rear of the building can be repaired to a usable condition with the completion of deferred maintenance and that proposed parking will not impede access from 108th Street.

Discussion

Although the building itself conforms to City standards, and the proposed use is allowed with a conditional use permit, there are components of the property that are non-conforming; namely the parking surfaces along Hanson Boulevard and 108th Avenue, and paving in the rear (west) of the building. The non-conformities are encroachments into the setback.

The current City Code recognizes that such non-conformities will arise in a fully developed community as older buildings are repurposed. City code section 11-1305.5(3) identifies them as "non-conforming site improvements", and somewhat distinguishes them from non-conforming uses or structures, a designation which could render a building unusable. The code allows non-conforming site improvements to be utilized until some specified event requires their removal. The non-conforming site improvement code language is as follows:

Nonconforming site improvements, including but not limited to parking lots, landscaping, accessory buildings, trash enclosures, lighting and screening, must be brought into conformance with current site improvement requirements of City Code upon:

- a. Redevelopment of the site or expansion of total floor area on the site by 25% or greater;*
- b. Destruction or replacement of the site improvement;*
- c. Issuance of a permit for a related site improvement if conformance is stipulated as a condition of permit*

approval;

- d. *A change of use of the site that triggers a need for change in an associated site improvement;*
- e. *Other events listed as specific triggers in City Code on site improvement standards; or*
- f. *The City determines the site improvements must be brought into conformance to protect the public health, safety, and welfare.*

The applicant is proposing parking for 50 cars. 33 parking stalls are located along Hanson Boulevard and 108th Avenue. The remaining 17 stalls are proposed to be located to the rear (west) of the building.

While the parking surfaces along Hanson Boulevard and 108th Avenue are non-conforming site improvements, the areas are in generally good condition, requiring only crack filling, seal coating and striping. The surfaces are generally level and were installed for use as parking and driving. This use can continue under City Code 11-1305.5(3).

Conversely, the area to the rear (west) of the building is in substandard condition in terms of it being used as a parking surface. This area was originally constructed for loading and unloading trucks. It contains a loading dock, a grade change of approximately one foot, and a raised concrete pump island. It is enclosed by a fence and has not historically been accessible by the public. The site conditions in this area raise concerns for its use as a parking lot in terms of opening car doors where there is significant grade change, pedestrian and vehicle navigation of the area, snow plowing, and the general expectations of the public for parking lots.

The Planning Commission reviewed photos of the pavement showing the deteriorated conditions, the grade change, and the pump island. They also heard the City Engineer's assessment that the pavement condition was beyond general repair and maintenance and would require complete reconstruction to meet the City's parking lot standards.

For the rear (west) area to be used as parking, it would need to be brought up to City standards, including appropriate grading, curbing, and layout, including respecting the 20 foot setback along the west property line. The design presented by the applicant in the appeal would result in the creation of a non-conformity along the west property line, as the area was not historically a parking lot accessible to the public.

To address the site conditions, the applicant is proposing to remove the concrete pump island, remove a layer of excess asphalt material to create a level surface, and saw-cut and fill pot holes. Removal of the loading dock and installation of a sidewalk are also planned. However, such work triggers the clause in City Code 11-1305.5(d) which states:

Non-conforming site improvements...must be brought into conformance...upon: A change of use of the site (i.e. a 200 seat church) that triggers a need for change in an associated site improvement (i.e. the provision of additional parking to accommodate a 200 seat church).

In other words, the applicant wishes to park 50 cars on the site, on which 33 can be accommodated on acceptable surfaces and locations (along Hanson Boulevard 108th Avenue). Another 17 must be provided for elsewhere on the site. To make the area to the rear (west) of the building suitable for parking, the area must be reconstructed to City standards. However, doing so triggers the requirement to bring the entire site into compliance with the current code.

Implications if Application is Approved

Staff has identified the following implications of approving the CUP.

- Approval effectively nullifies City Code, reduces the likelihood of eliminating non-conformities, and diminishes the standards the City has set to protect the health, safety, and interests of the public and adjacent properties.
- Approval expands a non-conformity, which runs counter to the City's non-conformity code.
- Approval results in inconsistencies in applying City code and creates uncertainties in when reviewing future applications.
- Approval effectively results in the granting of a variance. Variances are addressed through a separate process and subject to specific findings.

RECOMMENDATION

Staff recommends the Council affirm the Planning Commission's decision and adopt the following findings denying the conditional use permit application:

1. The City has established reasonable regulations to protect the common health, safety and welfare.
2. The area proposed for parking to the west of the building was not designed as a parking surface, was not intended for public use, and is not in a condition that meets the City's standards for use as a parking surface.
3. Use of the area to the west of the building requires replacement, not deferred maintenance as described by the applicant, and which trigger the clause in City Code 11-1305.5(d), requiring the entire site be brought into compliance with current standards, and which the applicant is not proposing to do.
4. Approval of the request would create a new non-conformity along the west property line and result in the granting of a variance.
5. The applicant has failed to provide a clear and concise parking lot design or improvement plan.

The Council, with a simple majority, may affirm, amend or reject the decision of the Planning Commission.

Attachments

Appeal Letter

November 21st PC Minutes

January 16th PC Meeting

Air Photo of Rear Paved Area

Rear Paving

Rear Paving

Rear Paving

Rear Paving

Required Setbacks



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www.rocksolidcommercial.com

January 24, 2014

Mr. Marc Nevinski
Community Development Director
City of Coon Rapids
11155 Robinson Drive
Coon Rapids, MN. 55433-3761
mnevinski@coonrapidsmn.gov

Re: APPEAL of Planning Commission denial of Planning Case 13-30
CUP - Place of Assembly North Point Church

Dear Mr. Nevinski:

The Applicant in this case hereby respectfully appeals the denial of Planning Case # 13-30, request for a Conditional Use Permit for a Place of Worship brought by North Point Church by the City of Coon Rapids Planning Commission to the City of Coon Rapids City Council.

A discussion of our request with background information and a synopsis of the project and concerns as well as our formal request for approval are attached. Also included is supporting documentation from industry experts as to the condition of the existing parking lot and usability of same, a copy of the certified ALTA survey of the property and a detailed and dimensioned site, drive, parking and striping plan for this project.

We respectfully request a hearing of this appeal at the next City Council meeting on February 4, 2014 as I am scheduled to be out of Minnesota starting on February 18, 2014 and would not be able to personally attend the hearing to present our case for approval to the City Council.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ronald J. Touchette".

Ronald J. Touchette
CEO

Enclosed: Discussion and Approval Request synopsis
ALTA Certified Survey
Dimensioned Site Plan
One Call Contracting Review letter
Copy of Denial letter

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DISCUSSION

Background

North Point Church of Coon Rapids is proposing to use the existing 7,300 square foot building located at 10732 Hanson Blvd for a permanent church home and place of worship. The congregation is currently meeting at the Northdale Middle School for the last three years where it has been blessed with the opportunity bring both the spirit of forgiveness of sins and the filling of the Holy Spirit into the lives of its members and others in the Coon Rapids community.

The property is currently owned by the First National Bank of Elk River, since March 14, 2010, nearly 4 years ago now, when they took possession through an adverse foreclosure action. Due to this unfortunate occurrence the property has not been maintained in any sense for those ensuing 4 years. The property is in acute disrepair and looks abandoned and forgotten; it is in desperate need of some love and attention that only an Owner Occupant will bring.

The interior of the property will be utilized primarily as it sits today with the currently open warehouse area utilized for the 200 seat sanctuary (removal of the apparently after the fact ramshackle partitions will be done to eliminate the unpermitted renovations that were completed by someone in the past) and the front half of that one half of the building will be the narthex, fellowship and office area. The remaining half of the building, fully renovated in the recent past will be utilized primarily as is for Sunday school, class and small meeting and spiritual growth areas.

The work to be completed on the building and at the property is the deferred maintenance (from the last 4 years), general basic repairs on the building (will include handicapped accessibility features and a fire alarm system), exterior work to include the removal of the existing loading dock replacing with a sidewalk area (or if that is not allowed we can leave the dock as it is), parking lot pothole repair, sealing & striping of the **existing** parking lot and general cosmetic and aesthetic maintenance to the exterior of the building and grounds, and then ongoing proper care and maintenance that a good steward of the property would normally and automatically perform.

The Planning Commission, at the November 21st meeting did not consider favorably the plan that City Staff had initially recommended that we bring before them for consideration. They asked for alternatives to that plan which had included new parking areas, some immediate compliance with the setbacks in those new areas and a five year timeline for additional improvements and setback compliance.

Subsequently the Seller and its representatives, City Staff, North Point Church folks, I and my staff have searched for alternatives to the formerly proposed plan as they had requested.

These alternatives started with your best case indication to simply abandon all of the current parking improvements that do not meet the new codes of today and put in a new parking lot in conformance to these codes and to include the requisite storm water control and retention, green space and fencing. The cost of this course of action was estimated to be in the neighborhood of over Two Hundred Ninety Three Thousand dollars by our contractor, subject to and plus costs of approvals, engineering and geo technical unknowns!! This was a **100% undoable and unattainable course of action.**

City Staff developed an Alternative Improvement Plan that Mr. Harlicker outlined to the Planning commission on the subsequent consideration of our application on January 23rd, 2014 along with accompanying recommendations, recommendations that would have prevented North Point Church from completing the proposed purchase and operating in the manner that it needs to in order to meet its obligations to the community and to the Church members. Additionally, the Staff alternative recommendation did not meet the minimum threshold requirements of the definitive parameters that the Wesleyan Church denominational elders have determined to be both prudent and necessary in order to consider, approve and proceed with this purchase and the locating of North Point Church in Coon Rapids at this site.

Therefore we respectfully requested that the Planning Commission not consider the City Staffs Alternative Improvement Plan and recommendations and only consider our proposal to utilize all of the currently existing asphalt improved services as depicted on the Certified ALTA survey presented to the Commission along with the proposed dimensioned parking and striping plan that they had previously indicated would be required to move forward.

This plan That North Point Church proposed was to utilize only what is actually there, onsite today; we proposed to repair the pot holes and seal the parking areas, we did not ask for and are not proposing to add ANY additional parking or asphalt surfaces. We also proposed that we would remove the deteriorating loading dock, replacing it with a sidewalk collection point which would eliminate the elevation change that currently exists at the loading dock junction to the parking lot. This would then be a safe and convenient and safe pedestrian access point for folks parking in the back lot area as well as a very nice gathering point as they traverse into the Church building itself.

According to City Staff, if the change in use (the church) does not trigger a need for a change in an associated site improvement (parking) the site does not have to be brought into compliance with the current code. Therefore, the church should be entitled to utilize the existing 20 spaces along 108th Avenue, the existing 19 spaces along Hanson Boulevard and the existing 12 spaces in the rear of the building (with the fence removed and NOT utilizing the three spaces taken up by the existing loading dock) and not trigger the need to bring the site into compliance with current code. Using the existing 51 spaces will limit the maximum seating in the sanctuary to 204 seats. When demand for additional seating increases we understand that it would require additional parking thereby triggering the requirement for the site to be brought into compliance with current standards.

To limit any concerns for safety regarding the railroad tracks and to ensure a minimal impact to neighbors the existing decrepit and falling/fallen down fence that extends along the west property line to the railroad tracks and subsequently along the tracks to Hanson Blvd will remain and be repaired as needed. The City code states that every fence must be maintained in a condition of good repair and must not be allowed to become a danger or fall into a state of disrepair; North Point Church will immediately correct this deficiency as it currently exists at the property.

Concerns demonstrated by City Staff regarding Proposed Improvement Plan

1. Concern about impeded access from 108th street - The applicant is proposing to utilize the site dimensioned parking and striping improvement plan attached to this application and as presented to the Planning Commission at the January meeting. The site plan shows 51 parking spaces and allows for an access measuring thirty one and one half feet wide to 108th Street which is well within reasonable ingress and egress standards and provides for safe and convenient two-way drive lanes. The parking that is immediately adjacent to the sidewalk historically and currently exists and is also currently striped as such; this has always been utilized for parking at this spot and although the actual curb cut is 51.5 feet wide it is not required to be maintained to that width to the best of our knowledge and it does not pose any more health and safety risk than other same and similar access points throughout the City.
2. City Staff has expressed concern about the condition of the asphalt in the rear parking area stating that the pavement is failing or uneven due to loading docks and former fuel station platforms. While the area does require the completion of deferred maintenance as does the entire property due to conditions that we outlined above. The mere fact that the parking lot has not been maintained in many years and that there is a very considerable accumulation and build up of

those many years worth of trash, sand, dirt and decomposing organic material does not mean that the asphalt is not usable and maintainable, it does not require replacement at this time. We engaged a well respected Contractor with expert knowledge, ability to perform and extensive prior and current experience in perform such work to assess the condition and provide a recommendation as to the needs of the asphalt surface of the parking lot existing at the property today. Their strong and very specific recommendation, a copy of which is also attached, was to repair the pot-holes, remove the asphalt material causing a 3 1/2 inch uneven surface that was “overlaid” on top of the parking lot by the garage door (that we are eliminating in our plan), remove ten square feet of concrete that was also uneven (resulting from the old fuel pump island that was apparently previously installed at the site) and chip seal coating the entire parking lot to protect the surface from damage due to water getting into the cracks and small openings that is present in all blacktopped driveways. The conditions meet the standards of City Code 11-1202 for use as parking once this deferred maintenance is completed and with the removal of the loading dock and subsequent replacement with a sidewalk. Again we are not proposing to use that area for parking and it is permissible to put a sidewalk there, just not new asphalt, again according to our discussions with City Staff. The unevenness concern is not a problem as where it is uneven, a change of approximate 11-12 inches was at the loading dock and we will remove that, and at the garage door a change of 3 1/2 inches was simply material that was placed on top of the parking lot, that again, we propose to take it off leaving the original surface of the lot and no appreciable unevenness.

REQUEST FOR APPROVAL:

In Planning Case 13-30, North Point Church respectfully requests that the City Council of Coon Rapids approve the conditional use permit for a place of worship with the following conditions:

1. The number of seats in the sanctuary is limited to a maximum of 204 seats with 200 seat requested at this time until the parking lot is expanded to accommodate any additional seating.
2. Parking is limited to the 51 stalls as shown on the site plan attached.
3. Cars parked in the stalls along 108th Avenue must not overhang the sidewalk and all drive aisles must be a minimum 24 feet wide.
4. The fence along the back property line and along the railroad tracks must be kept in place, repaired and maintained in compliance with City Code.



ONE-CALL CONTRACTING, INC.

January 21, 2014

North Point Church
C/O Mr. Ronald Touchette
Rock Solid Companies
7078 East Fish Lake Road
Maple Grove, MN 55311

RE: Asphalt repair and maintenance needs at 10732 Hanson Blvd, Coon Rapids, MN

Dear Mr. Touchette,

One Call Contracting, Inc. (One Call) has recently completed a site visit and review of the asphalt parking lot condition, maintenance and repair needs at the vacant property located at 10732 Hanson Blvd in Coon Rapids, MN. The site review was completed in October before snow cover but after many of the leaves from this season had fallen from trees and bushes.

One Call has provided asphalt repair as well as full replacement services to multiple property owners and managers, big and small, as well as preparing areas to be asphalted by others in large corporate settings. The purpose of this site visit was to determine the advisability and feasibility of simply completing maintenance on the existing asphalt surface vs removing the existing surface and installing a new asphalt or concrete parking surface if the current condition of the existing asphalt was warranted.

One Call reviewed the existing asphalt surface and found that it clearly has not had any proper or prudent maintenance in what is probably many years. There are layers of leaves with sand and dirt extending from the fence line to approximately 12' east. The entire lot needs to be properly cleaned and swept. There are numerous typical cracks, some with vegetation growth protruding from them, as would be expected absent annual care and maintenance. The cracks must be properly cleaned, prepared and have a hot mix sealer installed. There are also multiple pot hole type surfaced deficiencies totaling in aggregate approximately 300-400 sq ft where the deteriorating asphalt will need to be patched in with proper preparation to ensure longevity of the repair.

There is an area of overlay which apparently was installed over the top of the original asphalt surface to allow for a 4" ramp up to the finished elevation of the building where a garage door was installed. This extra top layer of asphalt overlay should be removed to keep the parking lot even in this area. We believe that the overlay can simply be peeled off leaving the original surface below intact. There is also a small concrete curb stop,

Ronald Touchette
Rock Solid Companies
Hanson Blvd Prop
Asphalt Letter

where it is reported a pump was installed in the past. This should be removed and the approximately 10 sq ft of disturbed asphalt re-installed.

All pot-hole patching repairs should be completed with a proper hot mix with saw cut edges and tack coat. Upon the completion of the crack sealing and pot-hole repair it is highly recommended that a chip seal should be installed over the entire parking lot and then it should be striped for individual parking spots and drive lane indicators.

One Call appreciates the opportunity to work with you on this project. We understand the difficulty in reviewing facilities that have been abandoned for long periods of time with no care or maintenance. We realize it is subjective on how to treat this space moving forward; however we do not recognize any condition that would constitute the necessity to remove large sections of paved area at this time. In fact the bulk of the asphalt surfaces are in remarkably good shape under the accumulated dirt and organic and other debris. We are very confident that the most reasonable and appropriate option at this time is to simply complete the deferred surface maintenance and thereafter to annually complete basic sweeping and maintenance including periodic crack filling to prevent breaks in the surface where moisture can collect and freeze causing expansion cracks and breaks. In short, keep it clean and fill any small breaks as they may show up and your parking lot will give you good service for years to come, especially with the very light use that a church facility has traffic wise.

Should you choose to desire a full replacement we can of course handle that project as well but again it is our opinion that it is not necessary as the overall condition of the lot is really in good shape excepting the few spots identified above that require some attention.

Whatever course you choose we will give you great service at a fair price and we always stand behind all the work that we do, taking great pride in the finished product that we deliver for your use. Please do not hesitate to contact me at 612-916-2823 or JohnL@onecallcompanies.com should you have any questions regarding our assessment. Upon request we can get a written proposal and contract to you and be prepared to complete the maintenance and chip seal work upon the return of warm weather in the spring!

Very truly yours,



John Landwehr
Senior Project Manager



January 17, 2014

Ron Touchette
Rock Solid Management
7078 East Fish Lake Road
Maple Grove, MN 55311

Dear Mr. Touchette:

**Re: Planning Case 13-30
CUP – Place of Assembly North Point Church**

At their meeting on January 16, 2014 the Coon Rapids Planning Commission denied your request for a conditional use permit for a place of assembly for North Point Church based on the following:

The proposed use requires 50 parking spaces. Some of the proposed spaces were shown in an area of the site where the pavement is in a state of disrepair, with low and uneven grade and is beyond repair. The applicant is not proposing to replace it. Utilizing that area for parking without replacing it does not comply with the standards for parking surfaces in city code and would endanger the public health and safety with unnecessary hazards. Without replacing the pavement the parking requirement for a 200 seat sanctuary cannot be met.

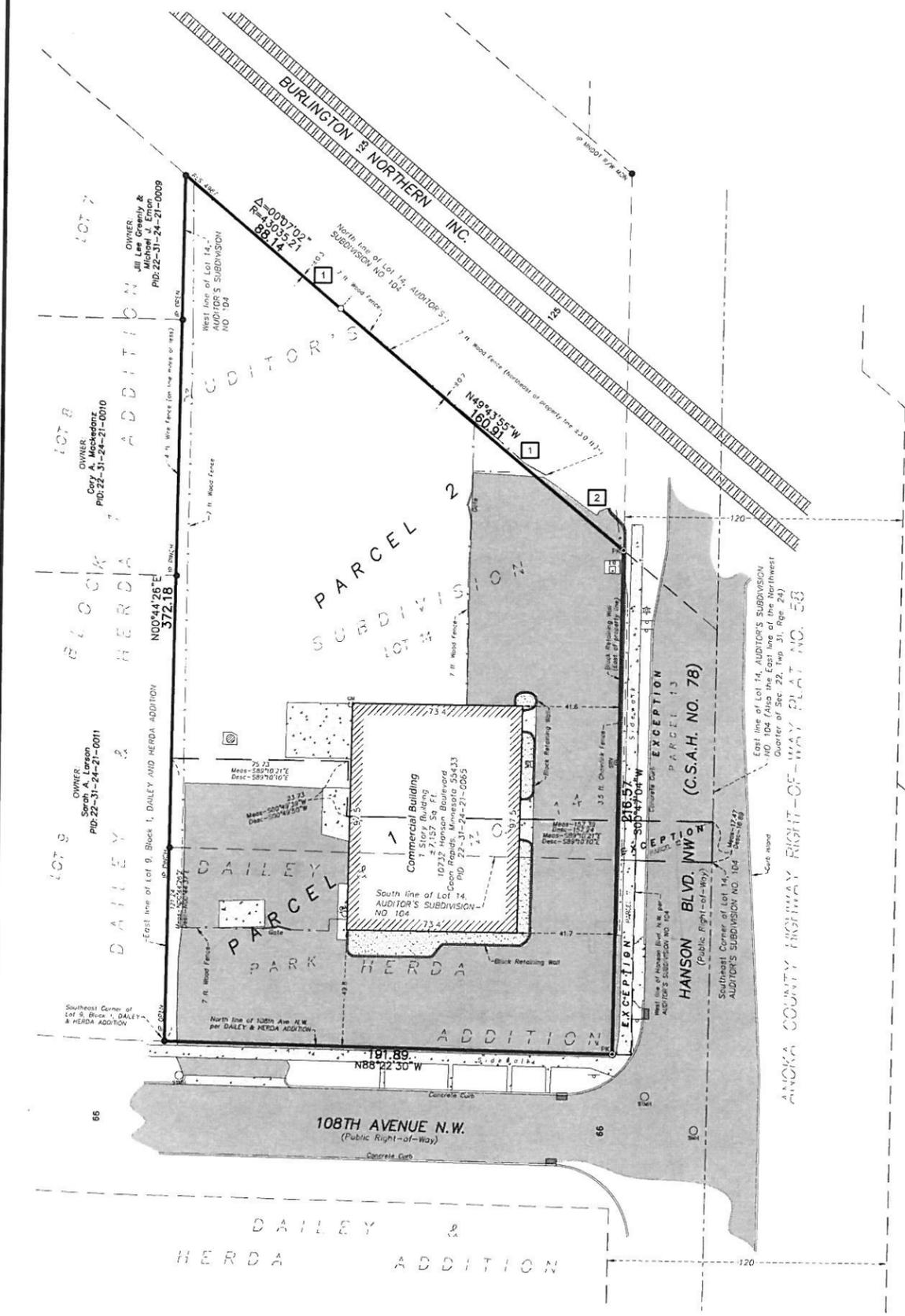
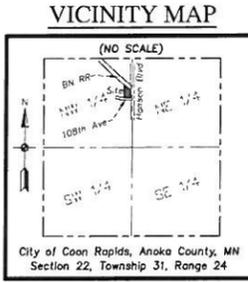
This decision will stand unless appealed to the City Council within ten days of the date of the Planning Commission meeting. If you have questions, please contact this office at (763)767-6430.

Sincerely,

A handwritten signature in blue ink that reads "Scott Harlicker". The signature is written in a cursive, flowing style.

Scott Harlicker
Planner

ALTA/ACSM LAND TITLE SURVEY
 PART OF LOT 14, AUDITOR'S SUBDIVISION NO. 104 &
 PART OF DAILEY AND HERDA ADDITION,
 ANOKA COUNTY, MINNESOTA
 FIRST NATIONAL BANK OF ELK RIVER



LEGEND

- Denotes Set PK Nail
- Denotes Found Iron Pipe, as noted
- Denotes Set Iron Pipe, Marked with RLS 40361
- Denotes Light Pole
- Denotes Sanitary Manhole
- Denotes Miscellaneous Sign
- Denotes Electric Box
- Denotes Gas Meter
- Denotes Catch Basin
- Denotes Sprinkler Box
- Denotes Service
- Denotes Storm Manhole
- Denotes Existing Fence as noted
- Denotes Landscaped Area
- Denotes Concrete Surface
- Denotes Bituminous Surface

PARCEL DESCRIPTION: (Per Schedule A of Title Commitment No. 131017534, with a commitment date of October 29, 2013 at 8:00 A.M., prepared by Fidelity National Title Insurance Company)

Parcel 1:
 That part of Lot Fourteen (14), Auditor's Subdivision No. 104 and that part of Dailey and Herda Addition, Anoka County, Minnesota, described as follows:
 Beginning at the Southeast corner of Lot Nine (9), Block One (1), of said Dailey and Herda Addition, thence North 00 degrees 44 minutes 37 seconds East, assumed bearing, along the East line of said Lot Nine (9) a distance of 121.24 feet to the point of beginning of the land to be described, thence South 00 degrees 49 minutes 50 seconds West 23.73 feet, thence South 89 degrees 10 minutes 10 seconds East 157.24 feet to the East line of said Lot Fourteen (14), thence Southerly along said East line 16.89 feet to the Southeast corner of said Lot Fourteen (14), thence Westerly along the South line of said Lot Fourteen (14) to the West line of Hanson Boulevard, thence Southerly along said West line to the North line of 108th Avenue, thence Westerly along said North line to the point of beginning and there terminating, except Parcels 11 and 12, Anoka County Highway Right-of-Way Plat No. 58

Parcel 2:
 That part of Lot Fourteen (14), Auditor's Subdivision No. 104, Anoka County, Minnesota, described as follows:
 Commencing at the Southeast corner of Lot Nine (9), Block One (1), of said Dailey and Herda Addition, thence North 00 degrees 44 minutes 37 seconds East, assumed bearing, along the East line of said Lot Nine (9) a distance of 121.24 feet to the point of beginning of the land to be described, thence South 89 degrees 10 minutes 10 seconds East 75.73 feet, thence South 00 degrees 49 minutes 50 seconds West 23.73 feet, thence South 89 degrees 10 minutes 10 seconds East 157.24 feet to the East line of said Lot Fourteen (14), thence Southerly along said East line to the North line of said Lot Fourteen (14), thence Westerly along said North line to the West line of said Lot Fourteen (14), thence Southerly along said West line to the point of beginning and there terminating, except parcel 13, Anoka County Highway Right-of-Way Plat No. 58

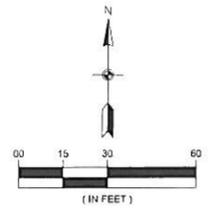
GENERAL NOTES:

- 1) The field work for this survey was completed on November 7, 2013.
- 2) Bearings shown herein are based on the Anoka County Coordinate System (NAD 83 - 96 Adjustment)
- 3) Surveyed property address - 10732 Hanson Boulevard, Coon Rapids, MN 55433 (Per Schedule A of Title Commitment No. 131017534)
- 5) Per FEMA Flood Insurance Rate Map Community Number 270011A with an effective date of March 15, 1977, surveyed property is located in Zone "C", areas determined to be outside the 500-year floodplain
- 6) No current zoning classification was provided by the insurer, however per the City of Coon Rapids Zoning Map dated September 2013, the surveyed property is zoned "Office District"
- 7) No building setback or height restrictions were provided by the insurer. However, per the City of Coon Rapids City Code Chapter 11-700, the setbacks are:
 - 1) Buildings from:
 - Another building - 25 feet
 - Street right-of-way - 35 feet
 - Adjacent LDR-1, LDR-2, MDR districts: 50 feet plus two and one-half feet for every foot (or fraction of a foot) of building height over 30 feet. In granting site plan approval the Planning Commission may approve a reduction to 10 feet for a side yard or 25 feet for a rear yard when the use on the abutting property is institutional, commercial or a utility use including, but not limited to, a pump house, sewage lift station, substation, water tower, reservoir, or water treatment facility.
 - Adjacent HDR District: a) side yard - 20 feet, provided, however, in granting site plan approval the Planning Commission may approve a reduction to 10 feet when the use on the abutting property is institutional, commercial or a utility use including, but not limited to, a pump house, sewage lift station, substation, water tower, reservoir, or water treatment facility.
 - b) rear yard - 25 feet
 - Other adjacent property: Side yard - 10 feet, Rear Yard - 25 feet
 - Parking and Drives - 5 feet
 - 2) Parking and drives from:
 - Street right-of-way - 20 feet
 - Adjacent residential district - 20 feet. Provided, however, in granting site plan approval, the Planning Commission may reduce to five feet when the use on the abutting property is a non-residential conditional use
 - Other adjacent property - 5 feet
- 8) Surveyed property contains 456,505 Sq. Ft. (10.43 acres)
- 11) Existing building on the surveyed property, dimensioned as shown
- 14) Above ground utilities have been field located as shown
- 19) Per Schedule B, Section Two Exceptions of the above listed Title Commitment
 - Item 11 - Utility and drainage easement(s), as shown on the recorded plat (The plat of AUDITOR'S SUBDIVISION NO. 104 and DAILEY & HERDA ADDITION do not show any utility and drainage easements on surveyed property)
 - Item 12 - Easement for Road purposes over the northeasterly 30 feet, as discussed by property inspection. (The furnished property inspection report and sketch inaccurately shows the boundary for the surveyed parcel. As a result, the easement for road purposes as shown thereon does not affect surveyed property)
 - Item 13 - Covenants and conditions of Ordinance No. 2095 amending the zoning classification of the property as shown on Schedule "A" of this commitment from Moderate Density Residential to Office, filed May 20, 2013 as Document No. 2019913.005. (Noted in "General Notes" section listed above)

EXISTING PARKING NOTE:
 - There were no visible parking stripes or stalls located on surveyed property, at time of the survey

STATEMENT OF ENCROACHMENTS:
 1) 7 ft wood fence along the Northeast property line of the surveyed property
 2) Bituminous parking lot at Northeast corner of surveyed property

CERTIFICATION:
 To First National Bank of Elk River, Fidelity National Title Insurance Company
 This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 8, 9, 11(a), 13, and 14 of Table A thereof. The field work was completed on November 7th, 2013.
 Date of Plat or Map: November 19, 2013



Signed: Carlson McCain, Inc.
 By: DRAFT
 Thomas R. Belluff, L.S.
 Minnesota License No. 40361

Carlson McCain
 ENVIRONMENTAL - ENGINEERING - SURVEYING
 248 Apollo Dr, Suite 100, Lino Lakes, MN 55014
 Phone: 763-489-7900 Fax: 763-489-7959

ALTA/ACSM LAND TITLE SURVEY
OREO PROPERTY
 10732 Hanson Boulevard
 Coon Rapids, Minnesota 55433

FIRST NATIONAL BANK OF ELK RIVER
 812 Main Street NW
 Elk River, MN, 55330

REVISIONS

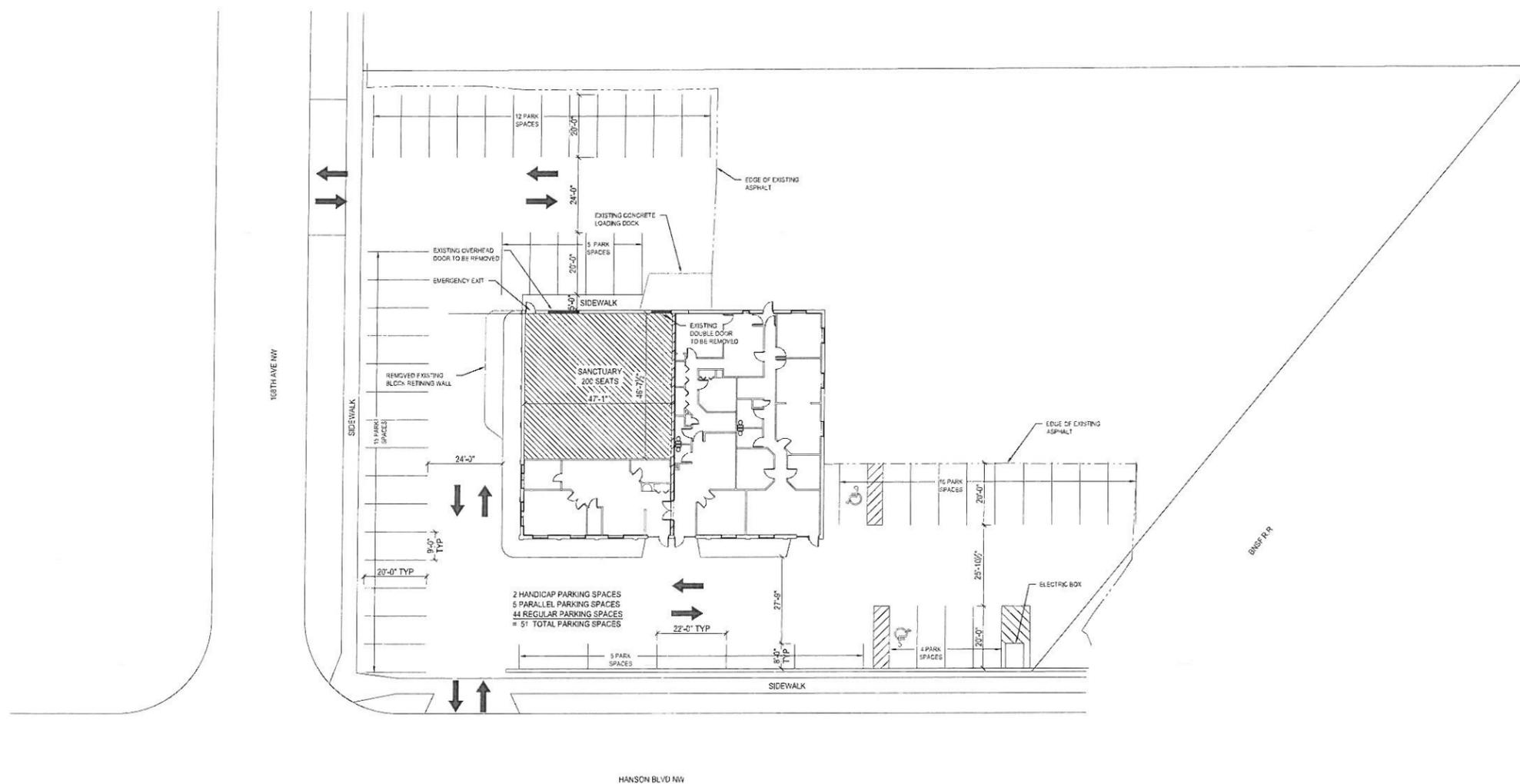
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DRAWN BY: PJB
 ISSUE DATE: 11/19/13

REVIEW COPY
 1 of 1

PROPOSED NORTH POINT CHURCH

10732 HANSON BLVD NW
COON RAPIDS, MN 55433



1 PARKING LAYOUT



PRELIMINARY
01-14-2014

NORTH POINT
CHURCH

10732 HANSON BLVD NW
COON RAPIDS, MN 55433

PARKING LOT
PLAN

L001

COON RAPIDS PLANNING COMMISSION MEETING OF NOVEMBER 21, 2013

CALL TO ORDER

The regular agenda meeting of the Coon Rapids Planning Commission was called to order by Chair Geisler at 6:30 p.m.

Members Present: Chair Jenny Geisler, Commissioners Cedric Lattimore, Jonathan Lipinski, Donna Naeve, Wayne Schwartz, Zachary Stephenson and Julia Stevens.

Members Absent: None.

Staff Present: Community Development Director Marc Nevinski; Planner Scott Harlicker; and, Assistant City Attorney Doug Johnson.

PLEDGE OF ALLEGIANCE

Chair Geisler led the Commission in the Pledge of Allegiance.

ADOPTION OF THE AGENDA

MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER STEVENS, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED (LATTIMORE ABSTAINED).

APPROVAL OF THE OCTOBER 17, 2013 REGULAR MINUTES

Commissioner Naeve requested a correction to the minutes noting Commissioner Schwartz had three corrections to the September 19th minutes. These corrections were noted for the record. She then requested a change to Page 2 of the October 17, 2013 minutes, clarifying her statement indicating she was offering information on the housing and was not requesting further comment from staff.

MOTION BY COMMISSIONER NAEVE, SECONDED BY COMMISSIONER LIPINSKI, TO APPROVE THE PLANNING COMMISSION MINUTES OF THE REGULAR MEETING OF OCTOBER 17, 2013, AS CORRECTED. THE MOTION PASSED (LATTIMORE ABSTAINED).

OLD BUSINESS

1. PLANNING CASE 13-24 - SITE PLAN FOR 610 EXPRESS – 430 COON RAPIDS BOULEVARD – PUBLIC HEARING
-

The applicant has requested that this item be postponed to the December 19th Planning Commission meeting.

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER SCHWARTZ, TO CONTINUE THE PUBLIC HEARING TO THE DECEMBER 19, 2013 PLANNING COMMISSION MEETING. THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

2. PLANNING CASE 13-28 - CONDITIONAL USE PERMIT – AUTO RENTAL FACILITY – 3325 124TH AVENUE – AVIS BUDGET GROUP – PUBLIC HEARING

It was noted the applicant is requesting a Conditional Use Permit for an auto rental facility located at 3325 124th Avenue (Pep Boys Auto Parts building). They will be sharing space with Pep Boys in the existing building. Staff reviewed the case further and recommended approval of the conditional use permit for an auto rental facility.

Chair Geisler opened and closed the public hearing at 6:36 p.m., as no one wished to address the Planning Commission.

Commissioner Naeve questioned if it would be appropriate to mark the parking spaces that would be designated for the auto rental facility. Planner Harlicker stated this could be added as a condition for approval.

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER STEVENS, TO APPROVE PLANNING CASE 13-28, THE CONDITIONAL USE PERMIT FOR THE AUTO RENTAL FACILITY, WITH THE FOLLOWING CONDITION:

1. DESIGNATION OF PARKING SPACES BOTH ON SITE PLAN AND ON SITE.

THE MOTION PASSED UNANIMOUSLY.

This is a decision made by the Planning Commission and shall stand unless appealed to the City Council within ten days after notification of the decision.

3. PLANNING CASE 13-30 – CONDITIONAL USE PERMIT – PLACE OF WORSHIP – 10732 HANSON BOULEVARD – NORTH POINT CHURCH – PUBLIC HEARING

It was noted the applicant is requesting a Conditional Use Permit to operate a place of worship in the building located at 10732 Hanson Boulevard. Staff reviewed the case in detail noting there were some concerns with the parking needs on this site. He discussed how the site would be altered to meet the City's parking requirements, and it was recommended the Commission approve the conditional use permit for a place of worship with conditions.

Commissioner Stevens questioned if the landscaping on this site would be upgraded. Planner Harlicker commented this would be addressed when the site was brought into compliance. He explained the Commission could add this as a condition for approval.

Assistant City Attorney Johnson explained a concern with this site was that there was currently pavement where it should not be. He indicated the pavement would have to be removed in order

for the landscaping to be completed. For this reason, he suggested the landscaping compliance align with the parking lot completion.

Commissioner Stephenson asked if the applicant had requested any signs along with the conditional use permit. Planner Harlicker stated this had not been done, and would require a separate application by North Point Church.

Chair Geisler opened the public hearing at 6:49 p.m.

Ron Touchette, 7078 East Fish Lake Road in Maple Grove, explained he was a representative of North Point Church. He thanked the Commission for considering North Point Church's application this evening. He then commended City staff for their efforts and assistance in preparing for this evening's meeting.

David DeVel, 13628 Hidden Creek in Andover, commented he was the Pastor of North Point Church. He discussed the plans for his church and congregation. He explained one goal for his church would be for the community to be a blessing to the City of Coon Rapids. He thanked the Commission for considering his request.

Mr. Touchette reported he and Pastor DeVel had met with the neighbors and these members of the community were excited to hear about the renovations proposed for the site. He commented one neighbor was interested in assisting with the landscaping along the rear property line. He then reviewed the proposed exterior improvements in further detail stating the site would be much more welcoming once the work was complete.

Linda Fish, 21401 Vail Street in Cedar, indicated she grew up in Coon Rapids. She discussed the service and outreach that would be provided to the community by North Point Church.

Chair Geisler closed the public hearing at 6:59 p.m.

Commissioner Naeve questioned if the conditional use permit requirements would remain in place if another church or business were to relocate onto the property. Assistant City Attorney Johnson stated this was the case.

Chair Geisler stated the proposed place of worship would be a great use for this site. Her only concern was with the ten year time limit that was being allowed to bring the property into compliance.

Commissioner Naeve explained she had the same concern.

Commissioner Schwartz did not recall the Planning Commission ever allowing a ten-year time period for a property to be brought into compliance. He was not comfortable with stretching this out to ten years.

Chair Geisler recalled allowing for extensions through seasons when necessary, but she too was surprised by the proposed ten year timeframe. She was in favor of having the front landscaping completed sooner than later.

Commissioner Naeve recommended the applicant submit a landscaping plan to the City with dates for the proposed improvements.

Chair Geisler requested the foundation plantings in this plan be required to be completed in 2014.

Commissioner Naeve questioned where staff came up with the ten year time period. Planner Harlicker stated this was a compromise reached with the applicant.

Community Development Director Nevinski reported the stormwater management issues would be addressed when the parking lot was redone.

Chair Geisler stated the amount of parking available onsite would allow for 132 seats. She questioned why staff was recommending the church be allowed to have 200 seats. Planner Harlicker reviewed the current number of parking spaces available, stating there were 39 existing spaces and 11 to the rear of the building.

Chair Geisler questioned what would be a reasonable timeline to bring the parking lot and site into compliance with City Code.

Commissioner Stephenson asked if the conditional use permit could be amended in the future if another church or office use were to relocate onto this site. Community Development Director Nevinski stated a conditional use permit could be amended if the needs of a property were to change.

Chair Geisler stated if the Commission was to proceed with an extended time period that this would remain with the property and not simply with the applicant. She expressed concern that precedence could be set by the Commission for future extension requests on non-conforming properties.

Commissioner Lipinski questioned if a time period could be extended. Assistant City Attorney Johnson indicated that all conditional use permits could be amended and would require review and approval by the Planning Commission.

Commissioner Schwartz requested further information on the rear parking area and how this area would be improved. Mr. Touchette commented the parking behind the fence was in poor condition. He explained the church was proposing to have this area repaired and replaced as soon as possible. This parking would not be utilized until the surface was improved. He further discussed the proposed improvements for the site both interior and exterior. He indicated the church district office was only willing to assist with a portion of the financing, which led the church to request the 10 year time period for the parking lot improvements. He commented the church had no problem with completing the mowing, sidewalk and foundation plantings in 2014.

Commissioner Stevens stated the 10 years still seemed excessive to her, but she suggested the Commission review which items would be completed within the next several years.

Commissioner Lattimore indicated the 10 year timeframe was too long for him to support. He recommended the site be brought in to compliance in two years. He reported the applicant could always come before the Commission and request an extension if necessary.

Commissioner Lattimore requested further information on how the fence would be improved. Mr. Touchette commented the fence along the railroad would be completely replaced while the fence within the parking lot would be removed, as it serves no purpose. He understood that the requested 10 years was a long time, but in the scheme of things, it would allow the congregation time to manage the numerous challenges on the site.

Commissioner Lattimore suggested Condition 5 be amended to coincide with the proposed improvements by the applicant.

Assistant City Attorney Johnson expressed concern that the Planning Commission was holding a site plan review of the proposed conditional use permit without a site plan. He indicated the Planning Commission was not in the business of redesigning buildings. He reported landscaping plans were not typically included with conditional use permit requests.

Chair Geisler stated this may be the case; however, there were concerns with getting the parking lot into compliance with City Code, which requires landscaping. Assistant City Attorney Johnson recommended the Commission put in the blanket condition stating the applicant shall comply with Title 11 of the City Code, to ensure that the property properly aligns with City Code.

Chair Geisler explained that at this point, the Commission did not support the recommendation of staff with the proposed timeframe, and she was seeking options the Commission was comfortable with to approve the conditional use permit.

Commissioner Naeve asked if any of the existing parking met City Code requirements. Community Development Director Nevinski commented there were a few locations where the parking met the setback requirements.

Commissioner Naeve questioned if the Commission was in favor of the proposed use occupying the building while also allowing the non-conforming issues to remain in place, for up to 10 years.

Commissioner Schwartz stated he would be reluctant to expand the compliance timeframe beyond 18 months.

Commissioner Stephenson suggested the Commission table action on this item and allow the applicant additional time to speak with staff regarding the conditional use permit and parking issues.

Mr. Touchette recognized the difficulty of the church's request. He discussed the unique circumstances of the site commenting these circumstances were not created by the applicant. He reported the expansion of Hanson Boulevard made the existing parking lot non-conforming. He expressed concern that the City would be requiring the church to install a \$100,000 parking lot in order to occupy the space. He discussed how this expense would greatly devalue the property.

Commissioner Stevens inquired if there was a way to establish language that would allow for an extended timeframe for this case without setting precedence.

Chair Geisler commented that perhaps the expansion of Hanson Boulevard could be referred to in this case, as this road construction project created the non-conforming parking lot. She stated that perhaps the conditional use permit could be approved requiring the building and landscaping be brought into compliance. She recommended this be reviewed further by staff prior to the Commission taking action on this case.

Commissioner Stephenson agreed with this suggestion.

Commissioner Naeve clarified that this property does have land available for additional parking.

Assistant City Attorney Johnson encouraged the Commission to limit the case to facts, which Chair Geisler was suggesting. He indicated the previous property owner would have been compensated by the County for the lost right-of-way, which created a non-conforming parking lot. He stated a phased site plan would be an option for this Planning Case and could be offered as a condition for approval. He explained the City could assist with this process. He recommended the Planning Commission then review the case in 24 or 36 months to assess how the applicant was progressing on the phased site plan.

Chair Geisler questioned if the applicant would like for the Commission to take a vote on the conditional use permit or table action to the next Planning Commission meeting.

Mr. Touchette stated the church was looking for a positive outcome and he was willing to work with staff to demonstrate the uniqueness of this site. He respectfully requested the Commission table action on this item and allow the church additional time to work with staff.

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER SCHWARTZ, TO TABLE ACTION ON PLANNING CASE 13-30 TO THE DECEMBER 19, 2013 PLANNING COMMISSION MEETING CONDITIONED ON THE APPLICANT WAIVING THE 60 DAY RULE. THE MOTION PASSED UNANIMOUSLY.

J.K. Strand, 4343 Juno Lane North in Plymouth, explained he was the Assistant Pastor at North Point Church. He indicated he has been in ministry for the past 50 years and church planning for the past 30 years. He commented this church planned to grow and through this growth, more money would be available. He thanked the Commission for their time and consideration this evening.

4. PLANNING CASE 13-29 – ORDINANCE AMENDMENT TO ADD SECTION 11-1600 ALTERNATIVE ENERGY SOURCES AND SYSTEMS – PUBLIC HEARING

It was noted the applicant is requesting an Ordinance amendment to establish Section 11-1600 Alternative Energy Sources and Systems and requirements governing wind energy conversion systems.

Chair Geisler opened and closed the public hearing at 7:53 p.m., as no one wished to address the Planning Commission.

Chair Geisler discussed several typos within the Code language. She recommended that Item H be reworded to ensure that WAC's are 15 feet from any structure for safety purposes. She recommended that staff review the language discussing building mounted WAC's.

Commissioner Stephenson suggested Item I be revised. Assistant City Attorney Johnson advised he would review this language.

Chair Geisler stated the total height allowable was described within the proposed code for each zoning district. She questioned if a definition should be included within the document for clarification. Planner Harlicker noted a definition was included on the last two pages of the document.

Commissioner Naeve was in favor of the code having additional language addressing building mounted WAC's. Planner Harlicker stated this would be addressed by State building code.

Commissioner Stephenson proposed the Commission discuss this code in further detail at a future work session meeting, given the number of concerns with the language.

Chair Geisler agreed with this suggestion.

Commissioner Naeve requested staff provide the Planning Commission with additional codes to review prior to the work session meeting.

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER LIPINSKI, TO TABLE ACTION ON PLANNING CASE 13-29 TO A FUTURE WORK SESSION MEETING. THE MOTION PASSED UNANIMOUSLY.

5. CASE 13-27 – CODE CHANGE TO TITLE 11 REGARDING JUNK VEHICLES, NUMBER OF TRAILERS ALLOWED AND MINIMUM NUMBER OF STACKING SPACES FOR A DRIVE THRU WINDOW– PUBLIC HEARING

It was noted the applicant is requesting the Planning Commission consider a code change to address several Zoning Code issues relating to junk vehicles, number of trailers allowed and number of stacking spaces for a drive thru window.

Chair Geisler opened and closed the public hearing at 8:07 p.m., as no one wished to address the Planning Commission.

MOTION BY COMMISSIONER LATTIMORE, SECONDED BY COMMISSIONER STEVENS, TO APPROVE PLANNING CASE 13-27, THE CODE CHANGE FOR THE FOLLOWING:

1. AMEND THE SECTION 11-201 DEFINITION OF JUNK VEHICLE TO INCLUDE THE REQUIREMENT THAT CURRENT REGISTRATION MUST BE DISPLAYED AND 20 DAY TIME PERIOD FOR REPAIR WORK ON A VEHICLE.
2. ADD REGULATIONS FOR THE STORAGE OF JUNK VEHICLES TO SECTION 11-801.6 THE INDUSTRIAL DISTRICT.
3. AMEND SECTION 11-601.3 TO REMOVE THE STANDARD FOR TOTAL NUMBER OF TRAILERS ALLOWED AND AMEND SECTION 11-601.4 TO ADD THE STANDARD FOR TOTAL NUMBER OF TRAILERS ALLOWED.
4. AMEND SECTION 11-1207.7(4) TO ADD MINIMUM NUMBER OF STACKING SPACES FOR DRIVE THRU SERVICE WINDOWS.

THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the December 3, 2013 City Council meeting.

OTHER BUSINESS

Community Development Director Nevinski provided an update on current development.

ADJOURN

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER SCHWARTZ, TO ADJOURN THE MEETING AT 8:14 P.M. THE MOTION PASSED UNANIMOUSLY.

Recorded and Transcribed by,
Heidi Guenther
Planning Commission Recording Secretary

COON RAPIDS PLANNING COMMISSION MEETING OF JANUARY 16, 2014

CALL TO ORDER

The regular agenda meeting of the Coon Rapids Planning Commission was called to order by Chair Geisler at 6:30 p.m.

Members Present: Chair Jenny Geisler, Commissioners Cedric Lattimore, Jonathan Lipinski, Donna Naeve, Wayne Schwartz, and Julia Stevens.

Members Absent: Commissioner Zachary Stephenson.

Staff Present: Community Development Director Marc Nevinski; Planner Scott Harlicker; and, City Attorney Dave Brodie.

PLEDGE OF ALLEGIANCE

Chair Geisler led the Commission in the Pledge of Allegiance.

ADOPTION OF THE AGENDA

MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER LIPINSKI, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF MINUTES

Commissioner Naeve requested staff make the discussed changes to the minutes as discussed at Planning Commission meetings. She explained the September meeting minutes should be amended as follows in Item 2 of Planning Case 13-28: The park dedication fee of \$55,800, shall be paid prior to the release of the plat.

MOTION BY COMMISSIONER NAEVE, SECONDED BY COMMISSIONER LIPINSKI, TO APPROVE THE PLANNING COMMISSION MINUTES OF THE REGULAR MEETING OF NOVEMBER 21, 2013, AS CORRECTED ABOVE. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COMMISSIONER NAEVE, SECONDED BY COMMISSIONER SCHWARTZ, TO APPROVE THE PLANNING COMMISSION MINUTES OF THE REGULAR MEETING OF DECEMBER 19, 2013, AS PRESENTED. THE MOTION PASSED (LIPINSKI ABSTAINED).

OLD BUSINESS

1. PLANNING CASE 13-30 – CONDITIONAL USE PERMIT – PLACE OF WORSHIP – 10732 HANSON BOULEVARD – NORTH POINT CHURCH – PUBLIC HEARING
-

It was noted the applicant is requesting a Conditional Use Permit to operate a place of worship in the building located at 10732 Hanson Boulevard. The Commission postponed action on this item, and asked that staff and the applicant work on an alternative to the five-year time frame proposed for in bringing the site into compliance with the current City Code. Staff discussed the nonconformities on the site with regard to the property line setbacks, along with the requests of the applicant. It was noted the paving to the rear of the building was in poor condition. There were areas of uneven pavement as well. The need applicant would need at least 50 parking stalls onsite in order to have 200 seats in the sanctuary. At this time, Staff has found 33 parking stalls could fit on the site, which would allow for 132 seats in the sanctuary.

Commissioner Naeve asked if the garage door and loading dock would be moved. Planner Harlicker stated the planting bed would be removed, which increased the drive aisle width. The landscaping around the perimeter would be improved. He reported the applicant was not proposing to remove the loading dock at this time.

Commissioner Naeve questioned if the fence would remain in place. Planner Harlicker indicated the fence was gated and would remain in place.

Commissioner Stevens inquired if the church accepted the recommendation of 132 seats. Planner Harlicker commented the church was hoping to have 50 parking stalls on the site to allow for 200 seats in the sanctuary. That led the church to submit an alternate plan that would remove the fencing.

Commissioner Naeve reported the parking was non-conforming. For this reason, she did not support the request. She recommended the applicant submit a site plan for the Commission to review.

Commissioner Lipinski agreed stating it would be difficult for this site to find 50 parking spaces.

Commissioner Schwartz also agreed and did not believe the proposed site plan from the applicant would provide a workable solution. He commented the rear parking area would need to be striped, which could not be done on the existing dirt and gravel.

Commissioner Stevens reported the plan recommended by staff would not have cars parked on the dirt and gravel area.

Chair Geisler was not in favor of the church using substandard parking. She commended staff for finding the 33 parking spaces, which allowed for 132 seats in the sanctuary.

Ron Touchette, 7078 East Fish Lake Road, addressed the Commission regarding the parking concerns. He reviewed the certified ALTA survey noting it was completed on November 19, 2013. He explained the site had been abandoned for the past four years and had no site maintenance. He requested the Commission allow the site in its current state be allowed to be used for a place of worship with 50 parking spaces. It was his opinion that the rear parking could be used for parking after the area was swept, cleaned and the potholes were filled. He wanted to see the site moved from a blighted property to a site being improved and used.

Kevin Kawlewski, City Engineer, reviewed the condition of the asphalt in the rear parking lot. He could not provide comment on the integrity of the asphalt given the amount of debris on the surface. He expressed concern with the grade changes in the parking lot both for vehicles and pedestrians. He did not see how the area could be striped and used for vehicles. The raised island was also a concern. It was his opinion that it would require more than maintenance to create a safe parking lot.

Mr. Touchette indicated the loading dock could be altered if recommended by the Commission. He understood there were areas within the parking lot that required repair, but he did not believe the asphalt was un-useable.

Commissioner Naeve stated even if the rear parking lot were completely replaced, the site had parking setback issues.

Planner Harlicker commented the asphalt in the rear parking lot was installed prior to 1994 and the building was constructed in 1971.

Chair Geisler commented the Commission could proceed with the recommendation from staff or take action on the alternate plan submitted by the applicant. Community Development Director Nevinski suggested the Commission refer and take action on the recommendation from staff.

MOTION BY COMMISSIONER NAEVE, SECONDED BY COMMISSIONER SCHWARTZ, TO DENY PLANNING CASE 13-30, THE ALTERNATE PLAN SUBMITTED BY THE APPLICANT WITH 50 PARKING SPACES BASED ON THE CITY'S REQUIREMENT TO HAVE REASONABLE REGULATIONS TO MEET SAFETY AND WELFARE REQUIREMENTS. THE MOTION PASSED 5-1 (STEVENS OPPOSED).

MOTION BY COMMISSIONER NAEVE, SECONDED BY COMMISSIONER SCHWARTZ, TO DENY PLANNING CASE 13-30, THE CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP BASED ON THE CITY'S REQUIREMENT TO HAVE REASONABLE REGULATIONS TO MEET SAFETY AND WELFARE REQUIREMENTS. THE MOTION PASSED 5-1 (STEVENS OPPOSED).

This is a decision made by the Planning Commission and shall stand unless appealed to the City Council within ten days after notification of the decision.

NEW BUSINESS

2. ELECTION OF VICE CHAIR

Staff requested the Commission elect a Vice Chair for 2014.

MOTION BY COMMISSIONER NAEVE, SECONDED BY COMMISSIONER LIPINSKI, TO ELECT WAYNE SCHWARTZ AS VICE CHAIR OF THE PLANNING COMMISSION FOR 2014. THE MOTION PASSED UNANIMOUSLY.

3. CONSIDER ADOPTION OF THE 2014 RULES OF ORDER, INTERNAL PROCEDURES AND POLICIES, AND CODE OF ETHICS

Staff requested the Planning Commission adopt the 2014 Code of Ethics, Rules of Order and Internal Procedures and Policies.

MOTION BY COMMISSIONER LIPINSKI, SECONDED BY COMMISSIONER LATTIMORE, TO ADOPT THE 2014 RULES OR ORDER, CODE OF ETHICS AND INTERNAL PROCEDURES AND POLICIES. THE MOTION PASSED UNANIMOUSLY.

4. PLANNING CASE 13-31 – PRELIMINARY PLAT – TYLERS COVE – 127TH AVENUE – T&J BALFANY – PUBLIC HEARING

Staff requested the Planning Commission open the public hearing, take comments from the public and then postpone this item to the February 20, 2014 meeting.

Chair Geisler opened the public hearing at 7:15 p.m.

MOTION BY COMMISSIONER NAEVE, SECONDED BY COMMISSIONER STEVENS, TO POSTPONE PLANNING CASE 13-31 TO THE FEBRUARY 20, 2014 PLANNING COMMISSION MEETING. THE MOTION PASSED UNANIMOUSLY.

5. CASE 13-32 – SITE PLAN AMENDMENT TO ALLOW DESIGN FLEXIBILITY FOR A MONUMENT SIGN – 11850 BLACKFOOT STREET - FRAUENSHUH

Staff requested the Planning Commission open the public hearing, take comments from the public and then postpone this item to the February 20, 2014 meeting.

Chair Geisler opened the public hearing at 7:16 p.m.

MOTION BY COMMISSIONER LIPINSKI, SECONDED BY COMMISSIONER SCHWARTZ, TO POSTPONE PLANNING CASE 13-32 TO THE FEBRUARY 20, 2014 PLANNING COMMISSION MEETING. THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

Community Development Director Nevinski provided the Commission with an update on current development taking place in Coon Rapids.

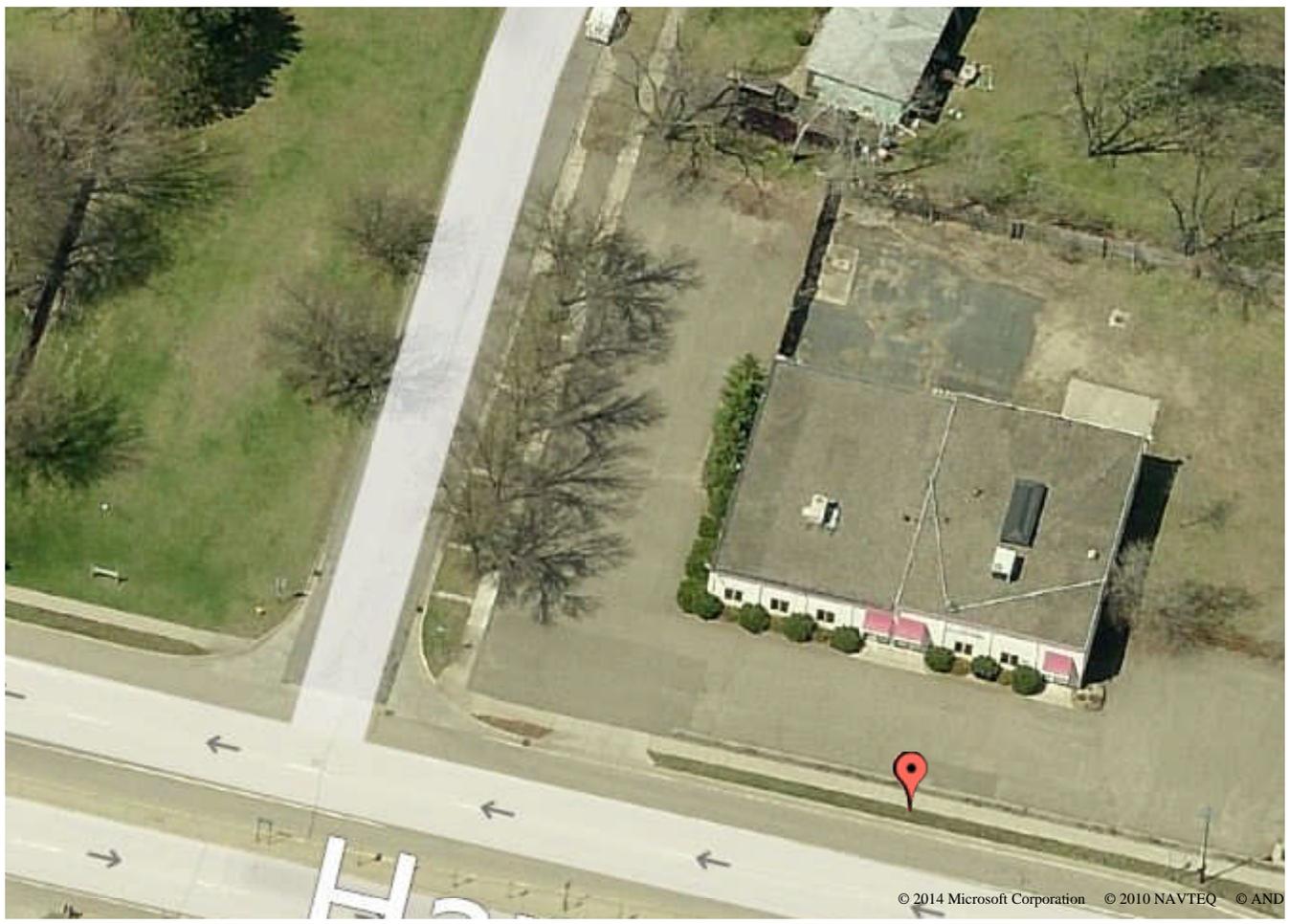
ADJOURN

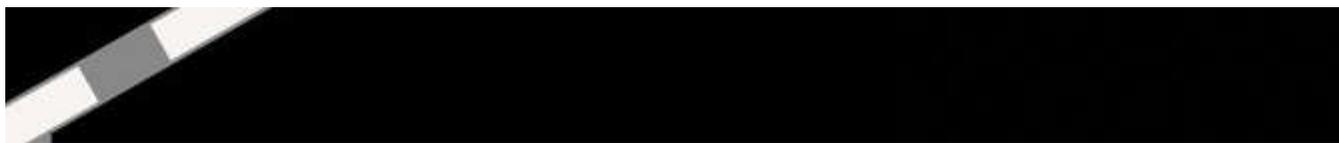
MOTION BY COMMISSIONER LIPINSKI, SECONDED BY COMMISSIONER STEVENS, TO ADJOURN THE MEETING AT 7:18 P.M. THE MOTION PASSED UNANIMOUSLY.

Recorded and Transcribed by,
Heidi Guenther

Planning Commission Recording Secretary

Draft







11/15/2013 12:59



11/15/2013 13:00

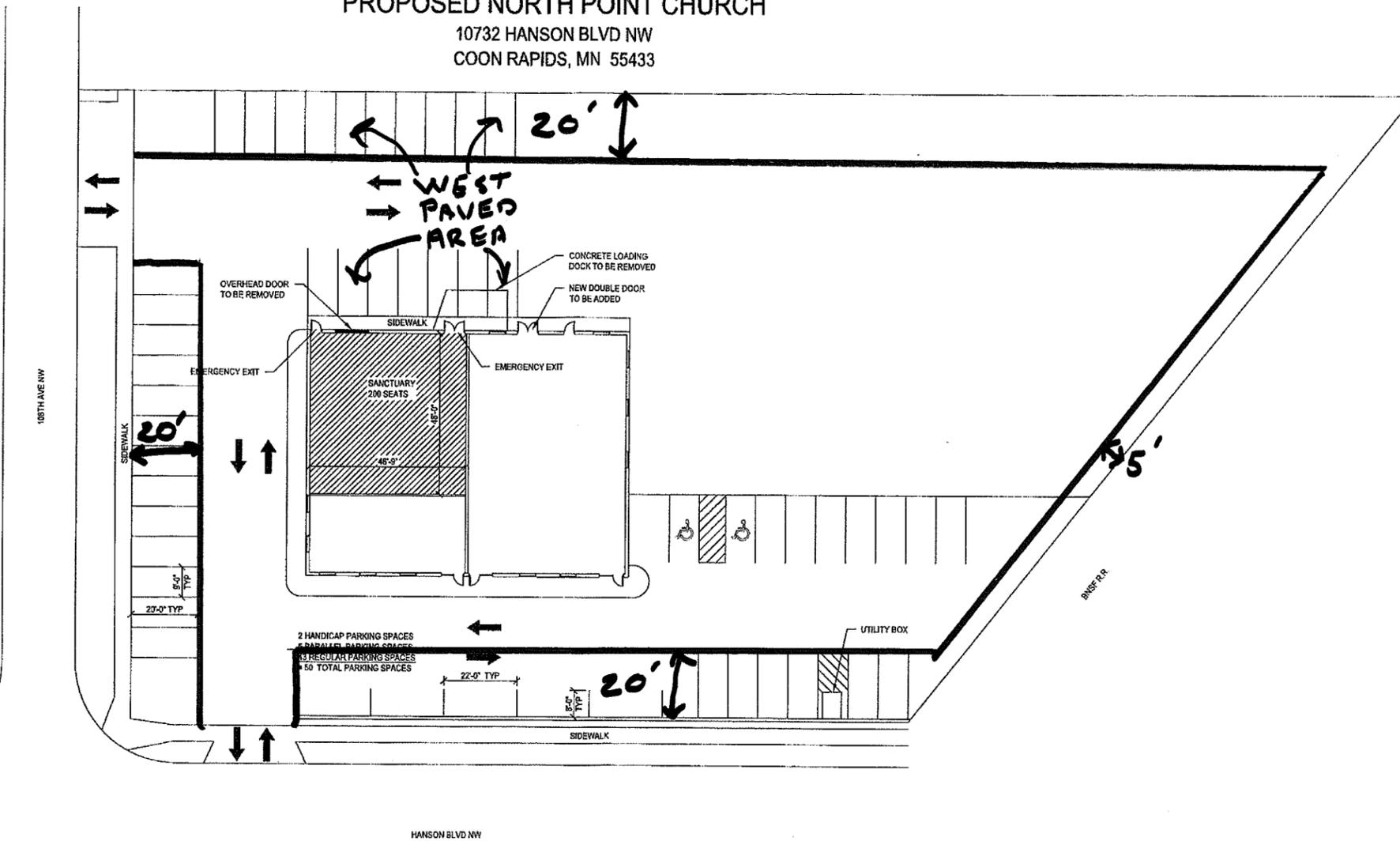


11/15/2013 13:00



11/15/2013 13:02

REQUIRED SETBACKS
PROPOSED NORTH POINT CHURCH
 10732 HANSON BLVD NW
 COON RAPIDS, MN 55433



SCALE: 1/8" = 1'-0"



City Council Regular

10.

Meeting Date: 02/05/2014

Subject: 2014 Street Maintenance Program, Project 14-5, Approve Plans and Specifications and Order Advertisement for Bids

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

INTRODUCTION

Since 2005 several area cities have participated in a regional street maintenance materials contract for the purpose of obtaining competitive bids for street maintenance services. Council is being requested to approve plans and specifications and order advertisement for bids for the project.

DISCUSSION

The City of Coon Rapids has served as lead agency for the street maintenance program since 2005. Cities participating in the 2014 program include Andover, Brooklyn Center, Columbia Heights, Coon Rapids, East Bethel, Fridley, Ham Lake, and Mahtomedi. The program offers street maintenance material items and services including sealcoating, pavement markings, street sweeping, and crack sealing.

Plans and specifications have been completed and are being presented to Council for consideration. If Council authorizes the project to move forward, bids will be received on February 28, 2014. After bids have been received, the cities are given a 20 day comment period as outlined in the Joint Powers Agreement. Award of the contract will be considered by Council at the April 1, 2014 meeting. The cities then have 60 days to review the bid results and decide whether or not they wish to proceed. Work will begin in early June and be completed in September of 2014.

RECOMMENDATION

It is recommended the Council adopt Resolution No. 14-5(8) approving plans and specifications and ordering advertisement for bids for the 2014 Street Maintenance Program.

BUDGET IMPACT:

The Street Maintenance Program has saved the City considerable amounts of money in purchasing of street maintenance materials and services. We will continue to provide these services in this manner. All funding for maintenance operations have been included in the appropriate budgets.

Attachments

Seal Coat Map

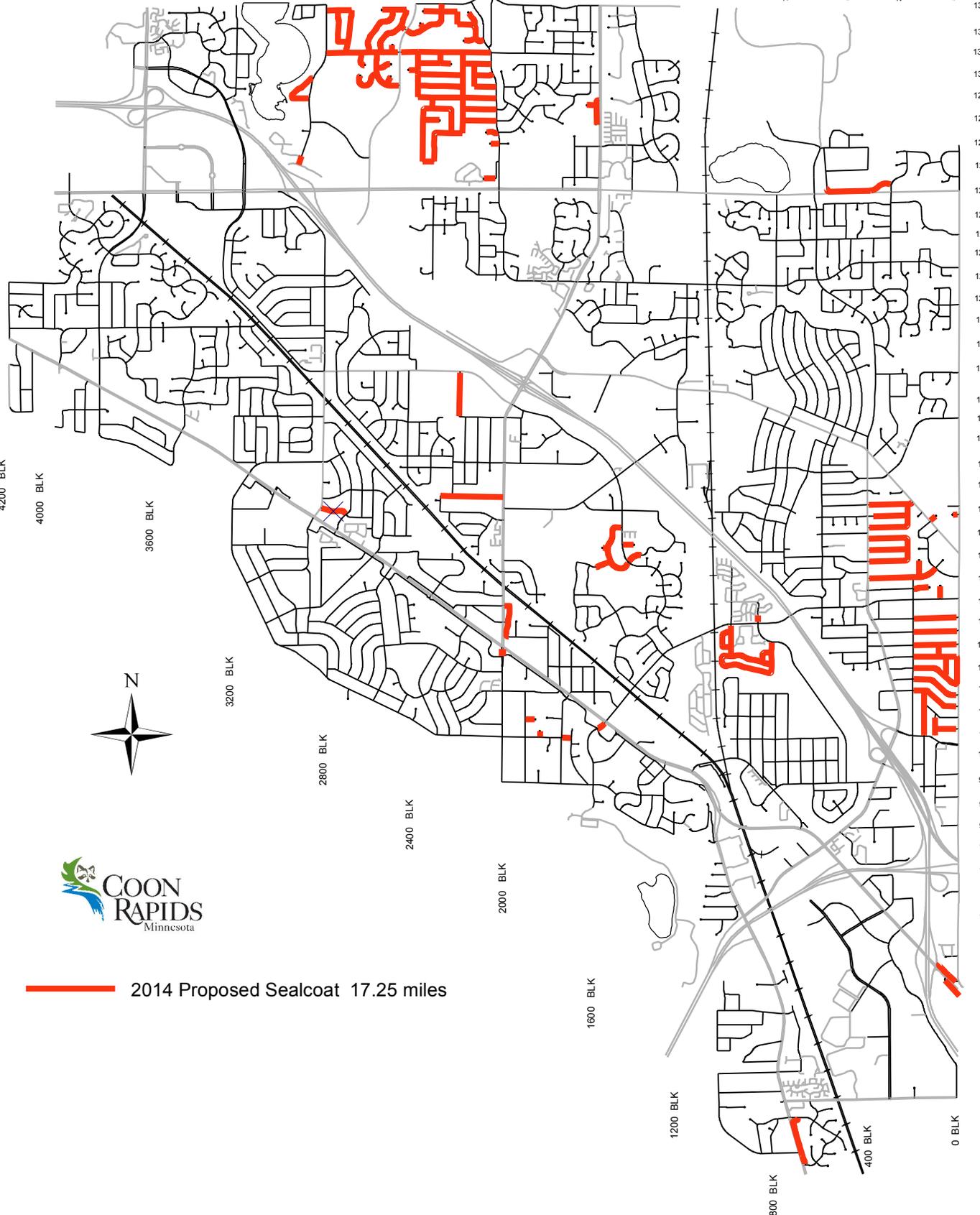
Resolution No. 14-5(8)

9TH AVE
 4150 ELDORADO
 DAKOTA
 4000 CREE ST
 BLACKFOC
 AZTEC ST
 3750 YUCA ST
 XENIA ST
 3750 WOODBINI
 VINTAGE S
 UNDERCLI
 ULLI ST
 3600 SHERID
 ROSE ST
 3600 QUAY ST
 POPPY ST
 ORCHID S
 NARCISSE
 3250 MARGOLD
 LILY ST
 KERRY ST
 JONQUIL S
 3000 IVYWOOD
 HEATHER
 3000 GLADIOLA
 FLORA ST
 EDELWEIS
 DAHLIA ST
 2750 CROCUS
 BITTERS
 ARROWHE
 ZION ST
 YUKON ST
 2600 XAVIS ST
 WREN ST
 VERDIN ST
 UPLANDEF
 THRUSSH
 2250 SWALLOW
 RAVEN ST
 QUINN ST
 PARTRIDG
 OSAGE ST
 2000 NIGHTING/
 MARTIN ST
 LINNET ST
 KILLDEER
 JAY ST
 1750 IBIS ST
 HUMMINGI
 GROUSE S
 FLAMINGC
 1500 EAGLE ST
 DRAKE ST
 CRANE ST
 BLUEBIRD
 AVOCET S
 1250 ZILLA ST
 XELOLOP
 WINTERB
 1000 VALLE ST
 UNITY ST
 TAMARACH
 SYCAMORI
 REDWOOD
 QUINCE ST
 PALM ST
 OLIVE ST
 750 NORWAY S
 MAGNOLIA
 LARCH ST
 KUMQUAT
 JUNIPER S
 ILEX ST
 500 HOLLY ST
 GOLDENR
 FLINTWOO
 EVERGREI
 250 DOGWOOL
 COTTONTW
 BUTTERNL
 ALDER ST
 50 UNVERST

4200 BLK
 4000 BLK



2014 Proposed Sealcoat 17.25 miles



133RD AVI
 132ND AVI
 131ST AVE
 130TH AVI
 129TH AVI
 128TH AVI
 127TH AVI
 126TH AVI
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 83RD AV

Date: 1/28/2014

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RESOLUTION NO. 14-5(8)

**(8) RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ORDERING ADVERTISEMENT FOR BIDS**

WHEREAS, the City Public Works Department/Engineering Division have prepared plans and specifications for the improvement of streets in various communities by sealcoating, pavement markings, street sweeping, and crack sealing and has presented such plans and specifications to the Council for approval; and

WHEREAS, the City of Coon Rapids expects to reimburse all or a portion of the project expenditures with the proceeds of debt to be incurred by the City; and

WHEREAS, this declaration is made pursuant to Section 1.103-18 of the Income Tax Regulations of the Internal Revenue Service.

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper, an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 21 days, shall specify the work to be done, shall state that bids will be received by the City of Coon Rapids until 10:00 a.m. on the 28th day of February, 2014, at which time they will be publicly opened in the City Hall by the Engineer, will then be tabulated, and will be considered by the Council at 7:00 p.m. on the 1st day of April, 2014, in the Council Chambers, and that no bids will be considered unless sealed and filed with the City and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the Clerk for 5% of the amount of such bid.

Adopted this 5th day of February, 2014.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk