



Council Work Session - 6:30 p.m.
HRA Regular Session - 6:50 p.m.

CITY COUNCIL AGENDA
Tuesday, March 17, 2015
7:00 p.m.
Coon Rapids City Center
Council Chambers

Call to Order

Pledge of Allegiance

Roll Call

Adopt Agenda

Proclamations/Presentations

1. Nucleus Clinic Presentation

Approval of Minutes of Previous Meeting

2. Approve Minutes of March 3, 2015

Consent Agenda

3. Adopt Resolutions 15-50 and 15-51, Adopting Miscellaneous Special Assessments
4. Approve Therapeutic Massage Enterprise License for Ibis Salon and Spa, 1818 Coon Rapids Blvd
5. Adopt Resolution 15-53, Accepting Coon Rapids Lions Club Donation
6. Adopt Resolution 15-56 Amending Term of Office for Ronald Bradley on Board of Adjustment and Appeals

Public Hearing

Bid Openings and Contract Awards

7. Consider Adopting Resolution No. 13-21(9) Awarding a Contract for Wilderness Trail Construction

Old Business

New Business

8. PC15-8: Consider Approval of a Resolution Approving a Change in the Land Use from Office to Community Commercial, 80 Coon Rapids Blvd.
9. PC15-3: Consider Approval of Resolution Approving a Land Use Amendment Changing the Land Use from Moderate Density Residential to General Commercial
10. Consider Recommendation for Reappointment of Charter Commission Members and Resignation
11. Consider Resolution 15-42 Supporting Special Legislation Related to Tax Increment Financing District 6-1
12. Consider Water Rate Increase
13. Consider Adopting Resolution No. 15-54 Supporting Dedicated State Funding for City Streets
14. Consider Adopting Resolution No. 15-11(8) Approving Plans and Specs and Ordering Advertisement for Bids for Miscellaneous Bituminous Repair Contract
15. Consider 2015 SCORE Grant Approval
16. PC15-9 Zone Change: Consider Adoption of Ordinance 2135 Changing the Zoning from Office to Community Commercial, 80 Coon Rapids Blvd.
17. PC 15-4: Consider Adoption of Ordinance 2136 to Change Zoning from Moderate Density Residential to General Commercial
18. Consider Adoption of Ordinance 2134 Establishing Fee for Temporary On Sale Intoxicating Liquor (Strong Beer and Wine)License
19. Consider Sale of \$10,000,000 General Obligation Bonds, Series 2015A.
20. Consider Adoption of Ordinance 2130 Regarding Chapter 8-1200 - Surface Water Management

Open Mic/Public Comment

Reports on Previous Open Mic

Other Business

Adjourn



City Council Regular

1.

Meeting Date: 03/17/2015

Subject: Nucleus Clinic Presentation

From: Joan Lenzmeier, City Clerk

INTRODUCTION

The Nucleus Clinic has reached the end of a loan from the City.

Becky Fink will be present to extend her thanks and inform the Council that the loan has been paid.

DISCUSSION

RECOMMENDATION



City Council Regular

2.

Meeting Date: 03/17/2015

SUBJECT: Approve Minutes of March 3, 2015

Attachments

March 3, 2015 Minutes

UNAPPROVED

COON RAPIDS CITY COUNCIL MEETING MINUTES OF MARCH 3, 2015

CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of March was called to order by Mayor Jerry Koch at 7:00 p.m. on Tuesday, March 3, 2015, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Koch led the Council in the Pledge of Allegiance.

ROLL CALL

Members Present: Mayor Jerry Koch, Councilmembers Denise Klint, Ron Manning, Wade Demmer, Jennifer Geisler, and Brad Johnson

Members Absent: Councilmember Steve Wells

ADOPT AGENDA

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT THE AGENDA AS AMENDED, ADDING THE CROOKED LAKE AREA ASSOCIATION PROCLAMATION AND REMOVING ITEM 9 (APPROVE TEMPORARY ON-SALE 3.2% MALT LIQUOR LICENSE FOR SPRINGFEST AT EPIPHANY CHURCH) FROM THE CONSENT AGENDA. THE MOTION PASSED UNANIMOUSLY.

PROCLAMATIONS/PRESENTATIONS

1. SENATOR ALICE JOHNSON AND REPRESENTATIVE JERRY NEWTON

Representative Jerry Newton thanked the Council for their time. He provided the Council with an update from the legislature. He discussed the February forecast noting the State had another positive surplus. He anticipated that the State would be focusing on transportation and roadways in the coming year. He was hopeful that the Governor would be working to improve Highway 10 in Anoka County. He reported the Coon Rapids Dam was being discussed along with the potential of achieving hydroelectric power at the dam. He indicated this green energy would be great for the environment.

Councilmember Manning questioned if the State was proposing to make any changes to Local Government Aid. Representative Newton commented there have been no talks of change to

municipalities in the metro area.

Mayor Koch thanked Representative Newton for his continued service and requested he continue to advocate for the transportation needs in and around Coon Rapids. He then discussed how rail transportation through the City was impacting the community.

2. CROOKED LAKE AREA ASSOCIATION

Gary Nereson, President of the Crooked Lake Area Association, thanked the City of Coon Rapids for their continued support. He explained how the association continued to treat and protect Crooked Lake.

Mayor Koch recommended that the Crooked Lake Area Association be included in any future plans for Crooked Lake Park.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

3. FEBRUARY 17, 2015, COUNCIL MEETING

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE MINUTES OF THE FEBRUARY 17, 2015, COUNCIL MEETING. THE MOTION PASSED 5-0-1 (DEMME ABSTAINED).

CONSENT AGENDA/INFORMATIONAL BUSINESS

4. ADOPT RESOLUTION 15-49 ACCEPTING A WATER CONSERVATION EDUCATION GRANT FROM THE COON CREEK WATERSHED DISTRICT
 5. ACCEPT THE 2014 COMMUNITY DEVELOPMENT ANNUAL REPORT
 6. ADOPT RESOLUTION 15-43 APPOINTING VALERIE WEAVER TO THE PARKS COMMISSION
 7. ADOPT RESOLUTION 15-44 APPOINTING TRACY WIGEN TO BOARD OF ADJUSTMENT AND APPEALS
 8. APPROVE WAIVER OF CARNIVAL LICENSE FEES FOR THE 2015 SPRINGFEST CELEBRATION ON MAY 15, 16 & 17, 2015
 9. ~~APPROVE TEMPORARY ON-SALE 3.2% MALT LIQUOR LICENSE FOR SPRINGFEST AT EPIPHANY CHURCH~~
 10. ADOPT RESOLUTION 15-45 REQUESTING ADVANCE OF STATE AID FUNDING FOR THE 2015 STREET RECONSTRUCTION PROGRAM
 11. RECOMMEND APPOINTMENT OF BYRON WESTLUND TO COON CREEK WATERSHED DISTRICT BOARD OF MANAGERS
-

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT,

FOR APPROVAL OF THE CONSENT AGENDA AS AMENDED, REMOVING ITEM 9. THE MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

None.

BID OPENINGS AND CONTRACT AWARDS

12. **ADOPT RESOLUTION NO. 15-6(9) AWARDING A CONTRACT FOR 2015 SANITARY SEWER LINING PROGRAM**

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 15-6(9) AWARDING A CONTRACT TO INSITUFORM TECHNOLOGIES USA, LLC IN THE AMOUNT OF \$794,469.40 FOR THE 2015 SANITARY SEWER LINING PROGRAM.

Councilmember Demmer questioned if the City had worked with this contractor in the past. Public Works Director Himmer explained that the City has worked a great deal with Insituform and has had positive results.

THE MOTION PASSED UNANIMOUSLY.

13. **CONSIDER AWARDING BID FOR WATER TREATMENT CHEMICALS TO DPC INDUSTRIES**

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER MANNING, TO AWARD THE WATER TREATMENT CHEMICALS TO DPC INDUSTRIES IN THE AMOUNT OF \$168,872.00 FOR A 1-YEAR CONTRACT WITH THE OPTION TO RENEW FOR TWO ADDITIONAL ONE YEAR PERIODS IF DESIRED. THE MOTION PASSED UNANIMOUSLY.

14. **CONSIDER AWARDING THE SELF CONTAINED BREATHING APPARATUS (SCBA) EQUIPMENT CONTRACT TO CLAREY'S SAFETY EQUIPMENT**

The Staff report was shared with Council.

Eric Strause, CTN Production Manager, requested the Council authorize funding to upgrade the public communications facility to high definition. He discussed how the Council Chamber equipment would be upgraded, enhanced and made more user-friendly.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 15-46 AUTHORIZING THE \$950,000 PUBLIC COMMUNICATION HIGH DEFINITION UPGRADE PROJECT (THE PROJECT WOULD BE FUNDED WITH A LOAN FROM THE REVOLVING CONSTRUCTION FUND TO BE REPAID OVER TEN YEARS.) THE MOTION PASSED UNANIMOUSLY.

18. CONSIDER RELOCATION BENEFITS FOR TENANTS, 9864-9950 EAST RIVER ROAD

The Staff report was shared with Council.

Councilmember Klint questioned the benefit of relocating the tenants at this time. Community Development Director Brown believed it would be best for the City to relocate these businesses now before the buildings further deteriorate. He stated the building would have significant maintenance needs in the near future.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER GEISLER, TO APPROVE RELOCATION PAYMENTS UP TO AN AMOUNT OF \$310,163 FROM TIF DISTRICT 1-6 FOR TENANTS AT 9864-9950 EAST RIVER ROAD.

Councilmember Geisler believed this was the next step for this building and supported staff's recommendation in moving forward with the relocation of its current tenants.

THE MOTION PASSED UNANIMOUSLY.

19. PC 15-9: ZONE CHANGE: CONSIDER INTRODUCTION OF AN ORDINANCE
 CHANGING THE ZONING FROM OFFICE TO COMMUNITY COMMERCIAL, 80
 COON RAPIDS BOULEVARD

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER JOHNSON, TO INTRODUCE THE PROPOSED ORDINANCE APPROVING THE REZONING BASED ON THE FOLLOWING FINDINGS:

1. THE PROPOSED REZONING TO COMMUNITY COMMERCIAL IS CONSISTENT WITH THE LAND USE DESIGNATION OF COMMUNITY COMMERCIAL.
2. THE PROPOSED REZONING IS COMPATIBLE WITH THE ADJACENT LAND USES AND ZONING.
3. THE TIMES AND CONDITIONS HAVE CHANGE SO THAT A REASONABLE USE OF THE PROPERTY CANNOT BE MADE UNDER THE CURRENT ZONING.
4. THE PROPOSED ZONE CHANGE WOULD NOT HAVE AN ADVERSE IMPACT ON THE AREA.
5. THE PROPOSED REZONING IS CONSISTENT WITH THE COON RAPIDS BOULEVARD FRAMEWORK PLAN AND THE RIVER RAPIDS OVERLAY DISTRICT.

THE MOTION PASSED UNANIMOUSLY.

20. PC 15-4: CONSIDER THE INTRODUCTION OF AN ORDINANCE TO CHANGE ZONING FROM MODERATE DENSITY RESIDENTIAL TO GENERAL COMMERCIAL

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER GEISLER, TO INTRODUCE AN ORDINANCE APPROVING THE PROPOSED ZONE CHANGE FROM OFFICE TO GENERAL COMMERCIAL WITH THE FOLLOWING FINDINGS:

1. THE PROPOSED REZONING TO GENERAL COMMERCIAL IS CONSISTENT WITH THE LAND USE DESIGNATION OF GENERAL COMMERCIAL.
2. THE PROPOSED REZONING IS COMPATIBLE WITH THE ADJACENT LAND USES AND ZONING.
3. THE PROPOSED REZONING IS THE LOGICAL EXTENSION OF THE ADJACENT GENERAL COMMERCIAL DISTRICT.
4. THE TIMES AND CONDITIONS HAVE CHANGE SO THAT A REASONABLE USE OF THE PROPERTY CANNOT BE MADE UNDER THE CURRENT ZONING.
5. THE PROPOSED ZONE CHANGE WOULD NOT HAVE AN ADVERSE IMPACT ON THE AREA.

THE MOTION PASSED UNANIMOUSLY.

21. **CONSIDER RESOLUTION 15-47 PROVIDING FOR THE SALE OF \$10,000,000
GENERAL OBLIGATION BONDS, SERIES 2015A**

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT,
TO ADOPT RESOLUTION NO. 15-47 PROVIDING FOR THE SALE OF \$10,000,000 GENERAL
OBLIGATION BONDS, SERIES 2015A.

Councilmember Geisler requested further information on how the City would be using these bonds.
Finance Director Legg explained that these bonds would be used for Street Construction projects.

THE MOTION PASSED UNANIMOUSLY.

22. **CONSIDER NEW MANAGER LIQUOR SALES DENIAL APPEAL**

The Staff report was shared with Council.

Justin Andersen, 11460 Jonquil Street, discussed his past with the Council and reported that his
warrants have been handled. He commented that he was working on himself and was in therapy to
ensure his life was back in proper order. He stated he has always worked in the restaurant industry
and has never served a minor. He explained that he was hired as the manager of the Legion and was
making a positive impact on the business. He understood the importance of over-serving patrons and
noted he has learned these hard lessons himself. He requested the Council take into consideration
the steps he has taken in his life to improve himself and approve his manager application for liquor
sales for the American Legion.

Mayor Koch questioned when Mr. Andersen was hired by the Legion. Mr. Andersen noted he began
work at the Legion last August.

Councilmember Johnson asked if Mr. Andersen was on probation at this time. Mr. Andersen stated
he would be off probation on April 3, 2015.

Councilmember Johnson inquired when Mr. Andersen has his original offenses. Mr. Andersen
estimated they occurred between 2003 or 2005 in Coon Rapids.

Mayor Koch questioned who held the liquor license for the American Legion. City Clerk Lenzmeier
explained the license was being held by an interim person at this time.

Councilmember Johnson asked if Mr. Andersen had disclosed his past to City staff. Police Chief
Wise reported that Mr. Andersen disclosed his past offenses on his manager application.

Councilmember Klint inquired if the Council were to approve the manager application if it could be made probationary. City Clerk Lenzmeier stated this has not been the practice of the City in the past; however, the Council could make the approval conditional.

Mayor Koch asked if how much discretion the Council had to consider this matter. City Attorney Brodie advised that staff was recommending denial of the application for liquor sales given the past moral character of the individual. He provided further comment on State Statute and discussed Mr. Andersen's previous violations. He explained that staff was recommending denial of the application.

Councilmember Johnson stated he was a felony prosecutor. He indicated that Mr. Andersen has owned up to his crime, has paid his dues and was making amends. He had trouble believing that Mr. Andersen was of poor moral character due to his past. He reiterated that Mr. Andersen would be finishing his probationary period on April 3rd. He suggested that staff speak with Mr. Andersen's probation officer and proposed the Council table action on this matter until after April 3rd.

Mayor Koch explained that this would require the interim license holder to have a background check. City Clerk Lenzmeier supported this course of action.

Mayor Koch wanted to see the American Legion be successful and was encouraged by the work Mr. Andersen had done for this organization to date.

Councilmember Geisler recommended that staff investigate a conditional manager liquor license for Mr. Andersen. City Attorney Brodie noted he would look into this option for the Council.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER MANNING, TO TABLE ACTION ON THIS MATTER TO THE APRIL 21, 2015 CITY COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

23. ADOPT RESOLUTION NO. 14-10(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR SAND CREEK PARK REDEVELOPMENT

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 14-10(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR SAND CREEK PARK REDEVELOPMENT.

Councilmember Klint requested further information on advertisement for bids timeline. Public Works Director Himmer indicated bids would be opening on April 14th and information would come before the Council on April 21st.

THE MOTION PASSED UNANIMOUSLY.

24. CONSIDER AUTHORIZATION TO PURCHASE REPLACEMENT SEMI-RUGGED COMPUTERS FOR FIRE TRUCKS

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER JOHNSON, TO RECOMMEND THAT THE BUDGET SAVINGS FROM THE SCBA PURCHASE BE REALLOCATED TO PURCHASE SIX NEW SEMI-RUGGED COMPUTERS FOR THE FIRE TRUCKS. THE MOTION PASSED UNANIMOUSLY.

25. CONSIDER FORMAL APPOINTMENTS TO TASK FORCE FOR RIVERDALE STATION TOD SITE

The Staff report was shared with Council.

Councilmember Klint, Councilmember Manning and Councilmember Geisler were willing to serve on the task force.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER DEMMER, TO APPOINT COUNCILMEMBER KLINT, COUNCILMEMBER MANNING AND COUNCILMEMBER GEISLER SERVE ON THE JOINT TASK FORCE FOR THE RIVERDALE STATION TOD SITE. THE MOTION PASSED UNANIMOUSLY.

26. CONSIDER ADOPTION OF RESOLUTION 15-48 AMENDING THE 2015 GOLF BUDGET FOR DESIGN OF RENOVATIONS TO THE CLUBHOUSE

The Staff report was shared with Council.

Councilmember Klint supported the proposed renovations and believed they would further enhance and meet the needs of the golf course.

Mayor Koch discussed the proposed renovations noting an outdoor golf bar, destination bar and event center restaurant would be created.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT RESOLUTION NO. 15-48 AMENDING THE 2015 GOLF BUDGET FOR DESIGN OF RENOVATIONS TO THE CLUBHOUSE. THE MOTION PASSED UNANIMOUSLY.

27. CONSIDER NEW MANAGER TOBACCO SALES DENIAL APPROVAL

The Staff report was shared with Council.

Councilmember Klint noted she had spoken to Mr. Vespa and the owner of Highway 10 Car Care Center. She believed that Mr. Charmoli took great care in hiring his employees.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER MANNING, TO RESCIND THE DENIAL OF MR. VESPA'S NEW MANAGER APPLICATION FOR TOBACCO SALES FOR THE BUSINESS OF HWY 10 CAR CARE CENTER LOCATED AT 11580 HANSON BOULEVARD.

Councilmember Manning believed that Mr. Vespa made a minor mistake and he could be trusted to manage tobacco sales for Highway 10 Car Care Center.

Jerry Charmoli, Highway 10 Car Care Center, commented he has been in the community for over 40 years. He indicated he runs background checks on all his employees and missed Mr. Vespa's prior discretion. He believed Mr. Vespa was an upstanding employee.

Councilmember Johnson questioned who filled out the application for the tobacco license. Mr. Charmoli indicated Mr. Vespa filled out his own application.

Mayor Koch noted he would be supporting the motion on the table commenting the incident occurred over six years ago. He was satisfied with the letter of explanation from Mr. Vespa.

Councilmember Johnson was concerned that Mr. Vespa was not present this evening. Mr. Charmoli explained that he was present this evening to represent both his business and Mr. Vespa.

Councilmember Geisler was also disappointed that Mr. Vespa was not at the meeting; however, she understood the need to give residents/employees another chance. She suggested that a probationary license be considered for Mr. Vespa given his past discretion where sales to a minor occurred.

Councilmember Klint apologized to the Council as she advised Mr. Vespa he would not need to be in attendance given the fact Mr. Charmoli would be in attendance.

Mayor Koch read Mr. Vespa's letter of explanation in full for the record.

Councilmember Demmer stated he would support the motion and recommended that applicants attend meetings in the future. He suggested that staff review the tobacco license language further and perhaps bold the section that addresses all prior crimes. City Clerk Lenzmeier noted she would review the tobacco license application.

THE MOTION PASSED 4-2 (GEISLER AND JOHNSON OPPOSED).

28. **CONSIDER ADOPTION OF ORDINANCE 2130 REGARDING CHAPTER 8-1200 –
SURFACE WATER MANAGEMENT**

The Staff report was shared with Council.

Mayor Koch asked if the City following the MPCA requirements in the same manner as other communities. Public Works Director Himmer commented the minimal impacts differed slightly in Coon Rapids than in other communities. However, he believed the City was offering added flexibility.

MOTION BY COUNCILMEMBER DEMMER, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT THE PROPOSED ORDINANCE FOR SURFACE WATER MANAGEMENT, AND AMEND THE CITY CODE ACCORDINGLY.

Councilmember Johnson discussed the language noting he would like the City to be aware of ongoing violations. He stated that he agreed with the majority of the Ordinance, but could not support it as drafted. Public Works Director Himmer stated he would support the Council tabling action on this matter to allow staff to further review the language so long as the Ordinance remained in compliance with the MPCA.

Councilmember Klint believed the proposed Ordinance was offering protection to the City, its ground surface and water system.

Councilmember Johnson stated he would be willing to talk to staff prior to the next meeting to resolve his concerns with the language issues. City Attorney Brodie understood that an internal process for managing these cases would have to be established.

Public Works Director Himmer encouraged all other Councilmembers to forward their comments or concerns regarding the Ordinance to staff prior to the March 17th City Council meeting.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER DEMMER, TO TABLE ACTION ON THE PROPOSED ORDINANCE TO THE MARCH 17, 2015 CITY COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

29. **CONSIDER ADOPTION OF ORDINANCE 2131 ADOPTING 2015 STATE BUILDING
CODE**

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER DEMMER, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT THE PROPOSED ORDINANCE AMENDING CHAPTER 12-200 OF THE CITY CODE. THE MOTION PASSED UNANIMOUSLY.

30. CONSIDER INTRODUCTION OF ORDINANCE ESTABLISHING FEE FOR TEMPORARY ON SALE INTOXICATING LIQUOR (STRONG BEER AND WINE) LICENSE
-

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER JOHNSON, TO INTRODUCE AN ORDINANCE ESTABLISHING A LICENSE FEE FOR TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR STRONG BEER AND WINE. THE MOTION PASSED UNANIMOUSLY.

31. CONSIDER ADOPTION OF ORDINANCE 2132 REVISING TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSES AND ORDINANCE 2133 ALLOWING MALT BEVERAGES/WINE IN CITY PARK
-

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT ORDINANCE 2132 REVISING TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSES.

Mayor Koch noted he would be voting against this Ordinance because the Council did not have a discussion regarding the matter. He was in favor of the language in Item 7(B) be removed.

Councilmember Johnson supported the amendment proposed by the Mayor.

Councilmember Geisler did not support adding hard liquor at this point, as it has not been requested. She believed this was too much, too fast. City Attorney Brodie commented that the Council could approve the language proposed which would allow Epiphany to move forward with their request.

Mayor Koch requested that the Ordinance be revisited by the Council at a future meeting.

THE MOTION PASSED 5-1 (MAYOR KOCH OPPOSED).

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT ORDINANCE 2133 REVISING CITY CODE CHAPTER 10-416 ALLOWING MALT BEVERAGES AND WINE IN CITY PARKS IF SOLD BY SOMEONE

LICENSED BY THE CITY TO SELL IN THE PARK. THE MOTION PASSED UNANIMOUSLY.

OPEN MIC/PUBLIC COMMENT

Mayor Koch reviewed the rules of order for the Open Mic/Public Comment portion of the meeting.

REPORTS ON PREVIOUS OPEN MIC

32. OPEN MIC REPORT – JEFF COSMAN – RE: PARK SHELTER RENTAL FEES

Mayor Koch discussed Mr. Cosman's comments made during Open Mic at the February 17, 2015 Council meeting.

OTHER BUSINESS

None.

ADJOURN

MOTION BY COUNCILMEMBER DEMMER, SECONDED BY COUNCILMEMBER GEISLER, TO ADJOURN THE MEETING AT 9:27 P.M. THE MOTION PASSED UNANIMOUSLY.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

3.

Meeting Date: 03/17/2015

Subject: Adopt Resolutions 15-50 and 15-51, Adopting Miscellaneous Special Assessments

From: Heidi Cederstrand, Assessment Clerk II

INTRODUCTION

The Board of Adjustment and Appeals recommendation for contested miscellaneous special assessments is referred to the City Council for adoption.

DISCUSSION

As you know, the assessment hearing on miscellaneous assessments was held on February 3, 2015. Property owners who objected to the assessments were referred to the Board of Adjustment and Appeals for review at their meeting on March 5. After the Board of Adjustment and Appeals heard objections, the following recommendations have been made:

Case #	Address/PIN#	Assessment(s)	Board of Adjustment Recommendation
15-01V	Roger Womble 11901 Round Lake Blvd. NW 08-31-24-31-0042	Citation-Fee-Mowing/Weed-\$330 Citation Fee-Removal & Disposal-\$330 Removal & Disposal-\$429	Affirmed (Paid Off \$999-1/12/15)
15-02V	Regal Car Wash/Eva Sperber-Porter 1521 Coon Rapids NW 23-31-24-33-0002	Citation Fee-Mowing/Weed-\$180	Affirmed-\$180
15-03V	Susan Fraboni 1246 107th Avenue NW 23-31-24-21-0084	Citation Fee-Mowing/Weed-\$150	Affirmed (Paid off \$150-3/6/15)
15-04V	Kristy Hansen 2006 104th Avenue NW 22-31-24-31-0148	Citation Fee-No Rental License-\$330	Affirmed-\$330
15-05V	Robert Edstrom 11731 Kumquat Street NW 12-31-24-34-0004	Citation Fee-No Rental License-\$330 Citation Fee-No Rental License-\$630	Affirmed-\$960
15-06V	Gabriel Enrique Borrera 10575 Martin Street NW 22-31-24-13-0076	Citation Fee-Mowing/Weed-\$180	Affirmed-\$180
15-07V	Jara Linville 11863 Tulip Street NW 08-31-24-43-0015	Citation Fee-Mowing/Weed-\$300	Affirmed-\$330
15-08V	Curtis Botner 12816 Verdin Street NW 03-31-24-32-0015	Citation Fee-Mowing/Weed-\$180 Citation Fee-Mowing/Weed-\$330	Affirmed-\$510

15-09V	Valerie Gustafson 11442 Osage Street NW 15-31-24-24-0106	Citation Fee-Removal & Disposal-\$1,230 Citation Fee-Removal & Disposal-\$330 Citation Fee-Removal & Disposal-\$1,230 Citation Fee-Removal & Disposal-\$330 Citation Fee-Removal & Disposal-\$330 Citation Fee-Removal & Disposal-\$630 Citation Fee-Removal & Disposal-\$330 Citation Fee-Removal & Disposal-\$330 Citation Fee-Removal & Disposal-\$630	Reduced to \$5,370
15-10V	Douglas & JoAnn Lawrence Verdin Street & 129th Lane NW 04-31-24-14-0030	Citation Fee-Mowing/Weed-\$180	Affirmed (Paid Off \$150-3/9/15)
15-11V	David Thelen 1121 109th Avenue NW 14-31-24-43-0009	Citation Fee-Removal & Disposal-\$330 Citation Fee-Removal & Disposal-\$330	Removed-\$0
15-12V	Jacob Sartwell 11517 Yukon Street NW 16-31-24-11-0082	Citation Fee-Removal & Disposal-\$330	Removed-\$0
15-13V	Paul Thomas 490 104th Lane NW 24-31-24-31-0062	Citation Fee-No Rental License-\$2,030 Citation Fee-No Rental License-\$2,030	Removed-\$0
15-14V	Rachid Khallaf & Touria Fouzbi 550 121st Avenue NW 12-31-24-24-0038	Citation Fee-Mowing/Weed-\$180	Affirmed-\$180
15-15V	Jesse Schabert 10311 Hummingbird Street NW 22-31-24-41-0072	Citation Fee-Mowing/Weed-\$180	Reduced to \$180
15-16V	Bertha Ventura 2510 Northdale Blvd. NW 16-31-24-11-0096	Citation Fee-Mowing/Weed-\$180	Affirmed-\$180
15-17V	Kongmong Lo c/o Thor & Tsong Lo 12551 Avocet Street NW 02-31-24-34-0034	Citation Fee-Removal & Disposal-\$330	Removed-\$0
15-18V	Clarence Hawkins 12131 Lily Street NW 09-31-24-32-0011	Citation Fee-Removal & Disposal-\$330	Affirmed-\$330
15-19V	Shawn Larsen 10961 Foley Blvd. NW 13-31-24-43-0071	Citation Fee-Mowing/Weed-\$180	Affirmed-\$180
15-20V	Neil Fleahman 2137 109th Avenue NW 15-31-24-34-0104	Citation Fee-Parking Off Pavement-\$330 Citation Fee-Removal & Disposal-\$630 Citation Fee-Removal & Disposal-\$330 Citation Fee-Removal & Disposal-\$630	Reduced to \$630
15-21V	Amy Deutsch 13271 Grouse Street NW 03-31-24-11-0103	Citation Fee-Mowing/Weed-\$330	Removed-\$0

Please refer to previously received Board packets for appeal letters. The Board agenda for March 5 was sent to Council separately on February 26. If you need information concerning that agenda, please contact Joan Lenzmeier. An assessment fee of \$30.00 has been included in the Recommendation totals above. **An updated amount will be distributed on March 17, and the resolutions will be completed at that time.**

RECOMMENDATION

The Board of Adjustment and Appeals recommends that the Council adopt Resolutions 15-50 and 15-51 Adopting 2015(1) Miscellaneous Special Assessments (contested miscellaneous assessments-one year and five year).

Attachments

MISC. APPEALS 2015(1)-1 YEAR

MISC. APPEALS 2015(1)-5 YEAR

RESOLUTION NO. 15-50

**RESOLUTION ADOPTING 2015 (1) CONTESTED MISCELLANEOUS ASSESSMENTS
(ONE YEAR)**

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

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 that

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

2. Such assessments shall become payable in annual installments, commencing with the first Monday in January 2016, and shall bear interest at the rate of 1.16% per annum from the date of the adoption of this assessment resolution. To the installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2016. The total amount of the one-year assessment is \$

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the Director of the Anoka County Records and Taxation Division (but no later than November 14, 2015), pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within thirty (30) days from the adoption of this resolution. He/she may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued through the date of payment. However, such payment must be made no later than November 14 or interest will be charged through December 31 of the next succeeding year.

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

Adopted by the Coon Rapids City Council this 17th day of March 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk

RESOLUTION NO. 15-51

**RESOLUTION ADOPTING 2015 (1) CONTESTED MISCELLANEOUS ASSESSMENTS
(FIVE YEAR)**

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

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 that

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

2. Such assessments shall become payable in annual installments, commencing with the first Monday in January 2016, and shall bear interest at the rate of 2.32% per annum from the date of the adoption of this assessment resolution. To the installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2016. The total amount of the five-year assessment is \$

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the Director of the Anoka County Records and Taxation Division (but no later than November 14, 2015), pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within thirty (30) days from the adoption of this resolution. He/she may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued through the date of payment. However, such payment must be made no later than November 14 or interest will be charged through December 31 of the next succeeding year.

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

Adopted by the Coon Rapids City Council this 17th day of March 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

4.

Meeting Date: 03/17/2015

Subject: Approve Therapeutic Massage Enterprise License for Ibis Salon and Spa, 1818 Coon Rapids Blvd

Submitted For: Stephanie Lincoln, Deputy City Clerk

From: Stephanie Lincoln, Deputy City Clerk

INTRODUCTION

William Shad Owen of Owen Holdings, Inc, DBA Ibis Salon and Spa, has submitted an application for a Therapeutic Massage Enterprise license for use at 1818 Coon Rapids Blvd.

DISCUSSION

Mr. Owen has acquired the business at 1818 Coon Rapids Blvd, formerly Jung Ja Spa, and paid the background investigation and license fee for a Therapeutic Massage Enterprise License. The Police Department has conducted a background investigation and given approval.

RECOMMENDATION

Council is requested to approve the issuance of a Therapeutic Massage Enterprise license to Mr. Owen for Ibis Salon and Spa located at 1818 Coon Rapids Blvd.



City Council Regular

5.

Meeting Date: 03/17/2015

Subject: Adopt Resolution 15-53, Accepting Coon Rapids Lions Club Donation

Submitted For: Stephanie Lincoln, Deputy City Clerk

From: Stephanie Lincoln, Deputy City Clerk

INTRODUCTION

Council is asked to accept a donation of \$500 from the Coon Rapids Lions Club to the Element Teen Center for the purchase of a new television, various games, and supplies.

DISCUSSION

The Coon Rapids Lions Club has an ongoing relationship with the Teen Center which includes donating funds and items as needed, volunteering their time on occasion, and discussing fund raising ideas when situations arise. The Coon Rapids Lions Club have expressed that they are happy to continue this relationship with the Teen Center and have donated \$500 for the purchase of a new television, various games, and supplies for the Teen Center.

RECOMMENDATION

Staff recommends Council adopt Resolution No. 15-53 accepting the \$500 donation of funds from the Coon Rapids Lions Club to be used to purchase a new television, various games, and supplies for the Element Teen Center and extends its gratitude to the Coon Rapids Lions Club.

Attachments

Res 15-53 donation from Lions

RESOLUTION NO. 15-53

**A RESOLUTION TO ACCEPT THE DONATION OF MONIES
FROM COON RAPIDS LIONS CLUB TO BE USED TOWARD THE ELEMENT TEEN
CENTER**

WHEREAS, the Coon Rapids Lions Club has offered to donate \$500 to the Element Teen Center for purchase of a new television, various games, and supplies; and

WHEREAS, Minn. Stat. § 465.03 allows cities to accept donations of real or personal property by resolution adopted by a two-thirds majority of Council; and

WHEREAS, the City Council finds the offered donation to be in the public interest;

NOW, THEREFORE BE IT RESOLVED by the City Council of Coon Rapids, Minnesota that the donation of \$500 to be used toward the purchase of a new television, various games, and supplies is hereby accepted.

BE IT FURTHER RESOLVED that the City of Coon Rapids hereby extends its gratitude to the Coon Rapids Lions Club for its generosity.

Adopted by the Coon Rapids City Council this 17th day of March, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

6.

Meeting Date: 03/17/2015

Subject: Adopt Resolution 15-56 Amending Term of Office for Ronald Bradley on Board of Adjustment and Appeals

From: Joan Lenzmeier, City Clerk

INTRODUCTION

Council is asked to adopt Resolution 15-56, a Resolution Amending Term of Office for Ronald Bradley on the Board of Adjustment and Appeals.

DISCUSSION

As Council may remember, there were two terms of office open on the Board of Adjustment and Appeals. One term ending December 31, 2017 and one term ending December 31, 2015. After appointing Ronald Bradley to the term ending December 31, 2017, staff learned that Mr. Bradley preferred the term ending December 31, 2015.

This Resolution will amend the term of office for Ronald Bradley on the Board of Adjustment and Appeals.

RECOMMENDATION

Adopt Resolution 15-56, a Resolution Amending Term of Office for Ronald Bradley on the Board of Adjustment and Appeals to a term expiring December 31, 2015.

Attachments

Resolution 15-56

RESOLUTION NO. 15-56

**AMENDING TERM OF OFFICE FOR RONALD BRADLEY ON THE BOARD OF
APPEAL AND ADJUSTMENT**

WHEREAS, Ronald Bradley was previously appointed by Resolution 15-40 to a term of office ending December 31, 2017; and

WHEREAS, Ronald Bradley has expressed preference for the Board of Appeal and Adjustment Term expiring December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota that Ronald Bradley be appointed to fill the term expiring December 31, 2015.

Adopted this 17th day of March, 2015, by the Coon Rapids City Council.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

7.

Meeting Date: 03/17/2015

Subject: Consider Adopting Resolution No. 13-21(9) Awarding a Contract for Wilderness Trail Construction

Submitted For: Mark Hansen, Assistant City Engineer

From: Cher Ridout, Admin Secretary II

INTRODUCTION

The City is proposing to construct a bituminous trail through Wilderness Park from 121st Avenue north to Avocet Street. The City Engineering Division completed plans and specifications and advertised for bids. Bids have been received and Council is requested to award a contract.

DISCUSSION

In 2013, the City received a grant in the amount of \$65,000 from the Department of Natural Resources (DNR) and entered into an agreement with them to construct the Wilderness Trail. The DNR agreement requires a 50% local match to the grant amount. The local match will come from the Park referendum. The trail will be constructed from 121st Avenue near Fire Station #2, north through Wilderness Park to the Main Street pedestrian tunnel, and continuing north connecting to the trail stub east of Avocet Street.

On January 20, 2015, Council approved the plans and specifications and ordered the advertisement for bids. Bids were received on March 6, 2015 and are summarized as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Barber Construction, Inc.	\$121,240.50
New Look Contracting, Inc.	\$205,267.00
Peterson Companies, Inc.	\$207,721.82
North Valley, Inc.	\$211,954.14
Sunram Construction, Inc.	\$216,975.00
Rachel Contracting	\$219,440.50
Park Construction Company	\$224,634.08
Midwest Asphalt Corporation	\$237,635.00
Omann Brothers Paving, Inc.	\$239,938.54
G.L. Contracting, Inc.	\$254,278.64
Rum River Contracting	\$274,140.58
Valley Paving, Inc.	\$276,314.80

The engineer's estimate for this work was \$296,469.00. The low bidder, Barber Construction, Inc., has done similar work for the City in 2013 and performed well. Staff contacted references supplied by Barber Construction, Inc., and received positive feedback on their work. If the Council approves the contract award, work could begin April 20, 2015 and be completed by June 19, 2015.

RECOMMENDATION

It is recommended the City Council adopt Resolution No. 13-21(9) awarding a contract to Barber Construction, Inc. in the amount of \$121,240.50 for construction of Wilderness Trail.

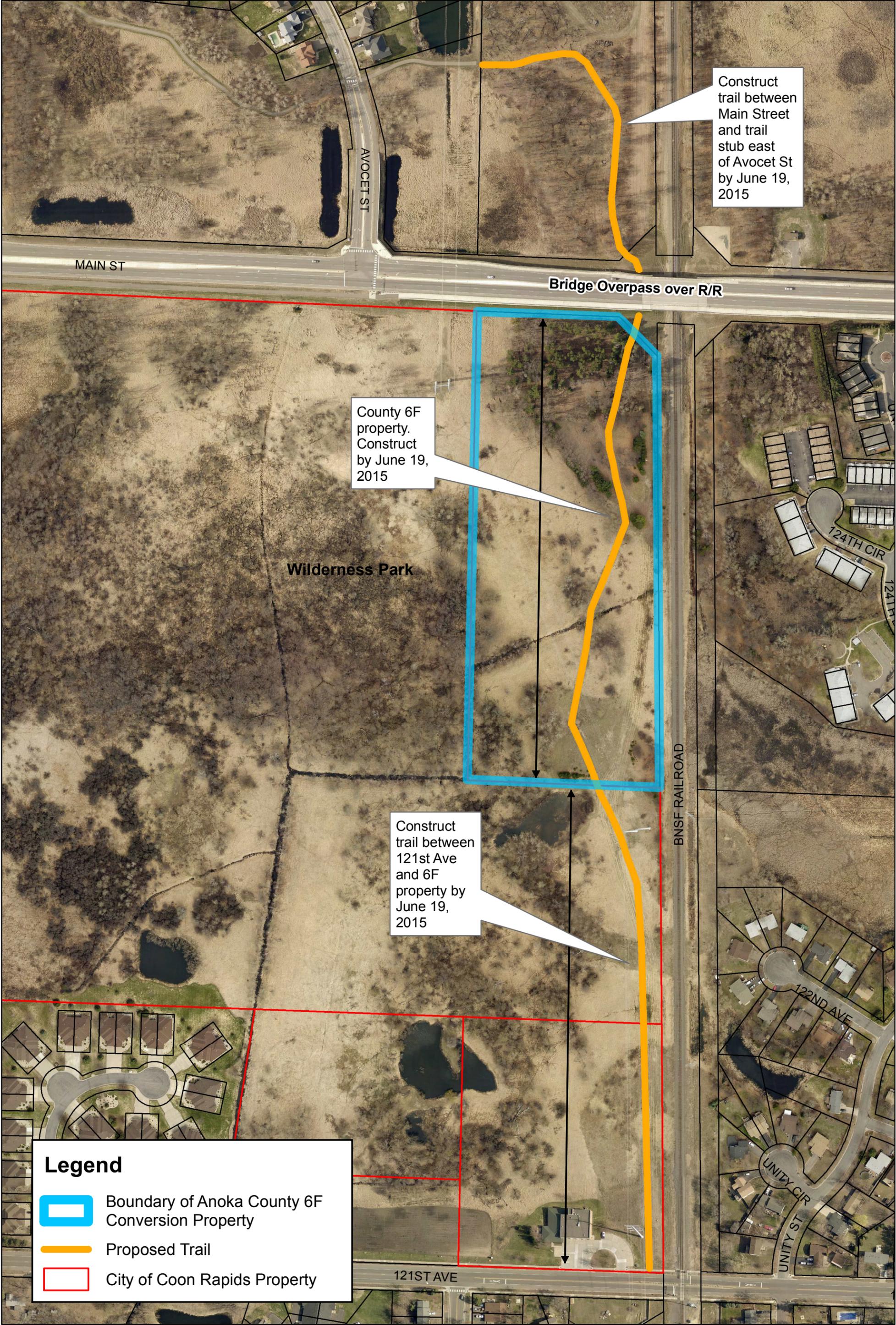
BUDGET IMPACT:

The total project cost based on the lowest bid unit prices is estimated to be \$169,736.70 (includes 40% for design, wetland credits, inspection, and staking) with the City's share estimated to be \$73,705.42. Based on the Joint Powers Agreement for this project, Anoka County will pay for the segment from Main Street to Avocet Street. Anoka County's share is estimated to be \$31,031.28. The DNR grant would cover \$65,000 of the project cost. The City's share of the project cost will come from the Park referendum.

Attachments

Location Map

Resolution No. 13-21(9)



Construct trail between Main Street and trail stub east of Avocet St by June 19, 2015

County 6F property. Construct by June 19, 2015

Construct trail between 121st Ave and 6F property by June 19, 2015

Wilderness Park

Bridge Overpass over R/R

MAIN ST

AVOCET ST

124TH CIR

BNSF RAILROAD

122ND AVE

UNITY ST

121ST AVE

Legend

- Boundary of Anoka County 6F Conversion Property
- Proposed Trail
- City of Coon Rapids Property

0 610 Feet



RESOLUTION NO. 13-21(9)

**(9) RESOLUTION ACCEPTING BID AND
AWARDING CONTRACT**

WHEREAS, pursuant to an advertisement for bids for the improvement of the City's trail system by construction of a bituminous trail from 121st Avenue north to Avocet Street, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement: (3 lowest)

Barber Construction, Inc.	\$121,240.50
New Look Contracting, Inc.	\$205,267.00
Peterson Companies, Inc.	\$207,721.82

WHEREAS, it appears that Barber Construction, Inc. of St. Bonifacius, Minnesota is the lowest responsible bidder; 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 that the bid of \$121,240.50 by Barber Construction, Inc. for Coon Rapids Improvement Project 13-21 be accepted as the lowest responsible bid.

BE IT FURTHER RESOLVED that the Mayor and City Manager are hereby authorized and directed to enter into a contract with Barber Construction, Inc. of St. Bonifacius, Minnesota for the improvement of the City's trail system by construction of a bituminous trail from 121st Avenue north to Avocet Street according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next two lowest bidders shall be retained until a contract has been signed.

Adopted this 17th day of March, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

8.

Meeting Date: 03/17/2015

Subject: PC15-8: Consider Approval of a Resolution Approving a Change in the Land Use from Office to Community Commercial, 80 Coon Rapids Blvd.

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting approval of a land use amendment to change the land use designation of certain property from Office to Community Commercial. The applicant is also proposing a corresponding zone change to Community Commercial.

DISCUSSION

Background

The property is approximately 1.7 acres in size. The existing 10,200 square foot multi-tenant building was constructed in 1977. It is currently vacant and most recently was occupied by a day care center and a dance studio. According to the applicant, the dance studio closed about four years ago and the daycare closed at the end of 2014. The property has been guided and zoned as office since 1986; from 1980 to 1986 it was Office-Multiple, and from 1968 to 1980 it was guided and zoned Industrial.

Access into the site is difficult. There is a right-in only available from eastbound Coon Rapids Boulevard. Other access into and out of the site is through the commercial development to the south. There is no direct access to Coon Rapids Boulevard.

Recently, there has been interest expressed from possible tenants that fit with the uses allowed in the Community Commercial zoning district. In response to inquiries and in recognition of the changing market, the applicant is requesting the land use designation be changed from Office to Community Commercial and a corresponding zone change from Office to Community Commercial.

Analysis

The description of Community Commercial land use designation is moderate intensity shopping centers and peripheral businesses serving wide areas of the City and having minimal detrimental influences on surrounding residential areas. This site abuts a shopping center that is guided Community Commercial. It is a site that can be used by businesses that are peripheral to the main shopping center. Access to the site is either through the abutting shopping center or the adjacent service road that also provides access to the shopping center.

Compatibility with the Comprehensive Plan

Goal of improving the appearance and function of Coon Rapids Boulevard

One of the ongoing discussions relating to the Boulevard is how does the City improve its commercial vitality. This proposed land use amendment from Office to Community Commercial would lay the groundwork for the revitalization of this site. It would allow a more variety of uses and be consistent with the adjacent shopping center.

Objective to curb the blighting characteristics along the Boulevard and eliminate under utilized and obsolete land uses

When the site was developed prior to the development of the adjacent shopping center it was a stand alone building. By changing the land use designation to Community Commercial, this under utilized and obsolete site can be in a position to be an asset to the Boulevard and take advantage of its proximity to shopping center.

Compatibility with the Coon Rapids Boulevard Framework Plan

The Framework calls out for the revitalization of obsolete, vacant and weak areas. By changing the land use designation to Community Commercial, this site would be more attractive for potential users.

Planning Commission Meeting

At the Planning Commission meeting held on February 19th, no one spoke at the public hearing. The Commission discussed access to the site and how traffic has to drive through or by the adjacent shopping center. The Commission determined that the changing times and market warrants the land use change to Community Commercial. The Commission voted 4:0 to recommend approval of the proposed land use change.

RECOMMENDATION

In Planning Case 15-8, The Planning Commission recommended the City Council **approve** the attached resolution **approving** the proposed land use amendment based on the following findings:

1. The proposed amendment is consistent with the Comprehensive Plan in that it promotes the improved appearance and function of Coon Rapids Boulevard.
2. The proposed land use amendment is compatible with the surrounding land use designations and land uses.
3. The proposed land use amendment would not have an adverse impact on the area.
4. The parcel fronts on a Coon Rapids Boulevard, which is a Class A Arterial Street.

Attachments

Location Map

Land Use Map

Applicant's Narrative

Proposed Resolution

Location Map



Land Use Map



To: City of Coon Rapids
Cc: City Planning Department
Subject: Rezoning request and Comprehensive Plan Amendment from Office to Community Commercial, 80 Coon Rapids Blvd. NW

1. **Subject Property:** The Subject property is approximately 1.7 acres in size (Please see Exhibit A attached Aerial Photo of the property). It contains a commercial building of +/- 10,200 sq. ft. in size. The building was constructed in 1977. It has been occupied by a dance studio and day care center for the past 30+ years. The dance studio closed about 4 years ago and the day care closed the end of 2014. The building is currently vacant.
2. **Surrounding Land Uses:** The property is surrounded by other commercial property (See attached Exhibit B). The property to the south is zoned and planned and occupied by Community Commercial. The property to the east and north is zoned and planned and occupied by General Commercial (with the exclusion of the Wells Fargo Bank which is zoned and planned for Office). The property to the west is zoned and planned and occupied by Community Commercial and Industrial.
3. **Reason for zoning and comprehensive plan change:** The Subject Property was developed before the other properties adjoining the site were developed as Community Commercial. The current property is essentially now a "spot zoning" as Office, rather than being in harmony and conformity with the zoning and planning of the abutting Community Commercial uses.
4. **Consistency with goals and objectives of plan:** The property has 390 feet of frontage on Highway 47 and has access from the Coon Rapids Blvd. service road. It is a highly visible property to the area's arterial road system and has vehicular access to said road system. It has been for sale for four years and the interested parties in the property have been commercial users, rather than office users. In fact, no office users have exhibited any interest in the property. The property has not been used as an office use for the past 30+ years. The planned use of the property as Community Commercial is consistent with the use of the surrounding Community Commercial businesses. The entire eastern 539 feet of the property adjoins the next door property which is zoned and planned as Community Commercial.
5. **Current Land Use Designation and Zoning:** The property is currently zoned Office and identified on the Comprehensive Plan as Office.
6. **Compatibility of Proposed Land Use with the Surrounding Area:** The property is already developed and has been used as a commercial use for the past 30+ years. Its rezoning and plan change from Office to Community Commercial will be in harmony and compatibility with the property's surrounding area.

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE COMPREHENSIVE
PLAN FOR THE CITY OF COON RAPIDS (PC 15-8)**

WHEREAS, the Comprehensive Plan adopted by the City Council for the City of Coon Rapids on March 18, 2008, designated an Office use for property described as follows:

That part of the southeast 1/4 of the northeast 1/4 of section 36, township 31 range 24 described as follows: Beginning at a point on the southwesterly right of way of U.S. Highway 10, 400 feet as measured along the said right of way from the east line of said 1/4 of the 1/4 (assumed bearing north 42 degrees 27 minutes west), thence continuing north 42 degrees 27 minutes west along said right of way, 34.34 feet, thence south 55 degrees 41 minutes 03 seconds west, 170 feet, thence north 33 degrees 43 minutes 51 seconds west, 160.80 feet, thence north 82 degrees 29 minutes 24 seconds west, 161.50 feet to easterly right of way of state highway number 47, thence southerly along said right of way, 390 feet to the intersection with a line drawn from the point of beginning to a point on the south line of said 1/4 of the 1/4, 1229.7 feet west of the southeast corner of said 1/4 of the 1/4, thence northeasterly along said line 538.8 feet to the point of beginning, except for road subject to easements of record.

WHEREAS, after consideration by the Planning Commission of appropriate use for this area, the Commission has recommended that the property previously designated as Office use be designated as Community Commercial; and

WHEREAS, the City Council, after due deliberation and consideration of the recommendations of the Planning Commission, concurs with said recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Coon Rapids City Council that the Comprehensive Plan as amended be further amended to provide that the property hereinafter described be designated as Community Commercial, to-wit:

That part of the southeast 1/4 of the northeast 1/4 of section 36, township 31 range 24 described as follows: Beginning at a point on the southwesterly right of way of U.S. Highway 10, 400 feet as measured along the said right of way from the east line of said 1/4 of the 1/4 (assumed bearing north 42 degrees 27 minutes west), thence continuing north 42 degrees 27 minutes west along said right of way, 34.34 feet, thence south 55 degrees 41 minutes 03 seconds west, 170 feet, thence north 33 degrees 43 minutes 51 seconds west, 160.80 feet, thence north 82 degrees 29 minutes 24 seconds west, 161.50 feet to easterly right of way of state highway number 47, thence southerly along said right of way, 390 feet to the intersection with a line drawn from the point of beginning to a point on the south line of said 1/4 of the 1/4, 1229.7 feet west of the southeast corner of said 1/4 of the 1/4, thence northeasterly along said line 538.8 feet to the point of beginning, except for road subject to easements of record.

Adopted by the Coon Rapids City Council this 17th day of March, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

9.

Meeting Date: 03/17/2015

Subject: PC15-3: Consider Approval of Resolution Approving a Land Use Amendment Changing the Land Use from Moderate Density Residential to General Commercial

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting approval of a land use amendment to change the land use designation of certain property from Moderate Density Residential to General Commercial. The applicant is also proposing a corresponding zone change to General Commercial.

DISCUSSION

Background

The applicant is requesting a change to the land use designation from Moderate Density Residential to General Commercial. The site is currently vacant. According to the wetland inventory, there are two small wetlands on the site. The site is approximately four acres in size. It is bounded by Egret Boulevard on the north, Woodcrest Drive on the south and west and a car dealership on the east.

In 2007 a developer applied for a land use amendment to change the land use designation from Office to High Density Residential to allow for the construction of an apartment. Council denied his request and the associated apartment building. In 2011 the property owner applied for a change the land use designation from Office to High Density Residential; the Council also denied that application. In 2012 the property owner applied for a change in the land use designation from Office to Moderate Density Residential; this request was granted by the Council.

Analysis

The stated intent of the Moderate Density Residential designation is that it includes land that could be developed as attached housing at gross density of 4 to 9.9 units per acres. The stated intent of the General Commercial designation is to provide for a broad range of businesses, generally highway oriented, serving other businesses and city residents and requiring buffering from surrounding residential areas.

Existing Moderate Density Residential

In 2012, while considering the change from Office to Moderate Density Residential, the following three factors were taken into account:

- The subject property abuts a car dealership.
- It is across the street from a convenience store and vacant property that is guided Moderate Density Residential.
- It is across the street from a townhouse development.
- There is a park down the street.

A land use designation of Moderate Density Residential serves as an extension of the townhomes to the west, the designation is compatible with the property north of Egret Boulevard which has a land use designation of Moderate

Density Residential and Neighborhood Commercial. Developing this parcel at a moderate residential density would also make use of the nearby park and the adjacent convenience store.

Proposed General Commercial

The description of General Commercial land use designation includes uses that are highway oriented and require buffering from surrounding residential areas. The subject parcel does not have visibility from the highway and is more than a mile from the nearest highway exit. The parcel is surrounded on three sides by land that is guided Moderate Density Residential with a small corner lot that is Neighborhood Commercial. The property does abut General Commercial property to the south.

Extending the the General Commercial designation to this parcel could be considered a logical extension of the abutting General Commercial designation to the south. However, it is not consistent with the need for providing a buffer for the adjacent townhome developments. The General Commercial designation encourages the most intense commercial uses of all the commercial land use categories. Even though the applicant has outlined a proposed use for the parcel, when considering changes to the land use designation, all of the potential uses and the potential impacts on adjacent properties should be considered. If for some reason the applicant is unable to develop the parcel as proposed, the property can be developed in any manner as allowed in the General Commercial District.

Planning Commission Meeting At the Planning Commission meeting held on February 19th, no one spoke at the public hearing. The applicant explained that they are requesting the land use amendment so that they can expand the parking lot/storage area for their new car inventory. It is their intention to combine this lot with their existing parcel. The Commission discussed the viability of a townhouse development on this site. They were concerned that no development had been proposed since the property was rezoned to Moderate Density Residential. The Commission also discussed buffering and future access on the parcel. The applicant explained that any future development would comply with the City's screening and buffering requirements and that no new access would be installed. Access to the parcel would be via the existing driveway on the adjacent lot. The Commission discussed the appropriateness of the the proposed use in light of the past struggle to get the site developed. They believed that the proposed land use is the logical extension of the adjacent General Commercial district and would be a good fit on this parcel.

The Commission voted 4:0 to recommend approval of the proposed change in the land use from Moderate Density Residential to General Commercial.

RECOMMENDATION

In Planning Case 15-3, the Planning Commission recommended that the City Council **approve** the attached resolution **approving** the proposed land use change change from Moderate Density Residential to General Commercial with the following findings:

1. The proposed amendment is consistent with the Comprehensive Plan in that it promotes the expansion of an existing business which will increase employment opportunities and increase the City's tax base.
2. The proposed land use amendment is compatible with the surrounding land use designations and land uses.
3. The proposed land use amendment would not have an adverse impact on the area.
4. When combined with the abutting property, the parcel will have frontage on Highway 10.

Attachments

Location Map

Land Use Map

Applicant Narrative

Proposed Resolution

Location Map



Land Use Map



LAND USE AND ZONE CHANGE NARRATIVE

TO: City of Coon Rapids – Department of Community Development
Attn: Scott Harlicker, Planner

FROM: TCA Real Estate, LLC (“TCA”)

DATE: January 12, 2015

RE: Lot 1, Block 3, Carla De Addition- Vacant Property at Southeast Corner of Woodcrest Drive and Egret Boulevard (“Property”)

I. **REQUEST**

We request that the City amend land use guidance for the Property and rezone the Property from Moderate Density Residential to General Commercial, contingent on our acquisition of the Property.

II. **BACKGROUND**

TCA owns the Coon Rapids Chrysler Dodge Jeep Ram dealership (“Dealership”) located east of and adjacent to the Property. We have entered into an Option Agreement to purchase the Property from Patricia Jordan. If the City of Coon Rapids rezones the Property to General Commercial, we intend to acquire the Property, combine the Property with the Dealership property and use the Property to expand our Dealership operations onto the Property and put this long-time vacant land into productive use. This expansion will improve inventory parking and exchange at the Dealership. Additionally, we anticipate that this expansion will allow us to add approximately 17 new jobs at the Dealership totaling nearly \$1,000,000 in annual employee compensation.

III. **LAND USE DESIGNATIONS AND ZONING CLASSIFICATIONS OF PROPERTY AND SURROUNDING PROPERTIES**

	<u>Existing Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Property	Vacant	Moderate Density Residential	Moderate Density Residential
North	Egret Boulevard, a convenience store and vacant land	Neighborhood Commercial / Moderate Density Residential	Neighborhood Commercial / Moderate Density Residential
South and West	Woodcrest Drive and Townhomes	Low Density Residential	Low Density Residential 1 / PUD
East (adjacent to Subject Property)	The Dealership	General Commercial	General Commercial

Source: Memorandum dated July 17, 2012, from Scott Harlicker to the City Council.

IV. **ARGUMENT FOR REZONING**

(A) Zoning History

The Property was zoned for commercial and office use for 27 years. From 1985 – 1999, the Property was zoned for commercial use, but remained undeveloped. In 1999, as part of a City Comprehensive Plan update, the City rezoned the Property to Office. However, the Property remained undeveloped. For almost 30 years, the City sought commercial development on the Property and it never occurred.

In 2011, Ms. Jordan requested that the City rezone the property to High Density Residential. At that time, Steve Thorson, representing Ms. Jordan, commented that Office zoning hampered Ms. Jordan’s ability to develop the Property and that there was a “strong need for apartment development in the metro area.” (Planning Commission Minutes, September 15, 2011). However, council members were concerned about high density development and neighbors were concerned about traffic impacts. Councilmember Schulte believed the site would be “more viable as a commercial property.” (City Council Meeting Minutes, October 18, 2011). The City denied Ms. Jordan’s request.

In 2012, Ms. Jordan returned to the City with a request to rezone the Property to Moderate Density Residential, even though Mr. Thorson had stated in 2011 that he did not see Moderate Density Residential “being viable next to the auto dealership.” (City Council Meeting Minutes, October 18, 2011). Desiring to provide Ms. Jordan with what it believed would be a better opportunity to develop the Property, the City granted Ms. Jordan’s request.

(B) Mistake in Original Zoning / Changed Market Conditions.

In past zoning deliberations involving the Property, the City evaluated whether there was a mistake in the original zoning or whether the character of the neighborhood changed so that a reasonable use of the subject property could not be made under the existing zoning classification. (City Council Meeting Minutes, August 8, 2012). Our analysis of these considerations follows.

1. Mistake in Original Zoning.

In 2012, the City reasoned that commercial and office zoning were inappropriate because the Property is not visible from Highway 10 and the nearest access to Highway 10 is over a mile away. Therefore, the City concluded that the Office Zoning was a mistake and that the Property was a better candidate for a use, such as residential use, that is independent of such visibility. (City Council Meeting Minutes, August 8, 2012).

Ms. Jordan wanted to build apartments on the Property, but the City did not approve High Density Residential development of the Property in 2011. At that time, Mr. Thorson was concerned that Moderate Density Residential, such as a townhome development, would not be viable on the Property. Nevertheless, in 2012, believing

Moderate Density Residential was the only zoning change she could achieve, Ms. Jordan requested, and the City approved, Moderate Density Residential zoning.

This compromise was a mistake. The townhome and condominium markets have been weak for many years and remain weak. In addition to this, as Mr. Thorson suggested, Moderate Density Residential is not viable adjacent to a car dealership. Rezoning the Property back to its originally contemplated commercial use so that we, who have the necessary Highway 10 frontage, can expand our operations, corrects that mistake.

2. Change in Market Conditions.

While the area surrounding the Property is generally residential in character, the Property is immediately adjacent to the Dealership. In 2012, Ms. Jordan believed she could develop the Property for Moderate Density Residential use. Ms. Jordan has tried to sell the Property for such development, but has been unable to do so. Current market conditions and the Property's location do not support residential development of the Property. Market conditions now support our request to productively use this long vacant land for its original purpose – commercial.

(C) City Code Section 11-304 Criteria.

When considering a rezoning request, the City considers criteria listed in Section 11-304 of the City Code. Specifically, the City considers the effect of the rezoning on public health, safety, order, convenience and general welfare in the area; effect on present and potential surrounding land uses; conformance with the Comprehensive Land Use Plan and conformance with any applicable development district.

1. Public Health / General Welfare. Our proposed rezoning will not adversely affect the public health, safety, order, convenience or general welfare of the area. We will use the Property primarily for additional vehicle parking and our proposed use will not increase traffic to the Dealership. Our proposal will likely benefit the surrounding area because the Property will permit us to more efficiently exchange inventory in a manner that improves our current system.
2. Effect on Present and Potential Land Uses. Rezoning the Property to General Commercial will not adversely impact surrounding land uses. We do not anticipate any increase in traffic from our expansion. We will merely operate the Dealership on a larger footprint. Furthermore, in 2012, the City implicitly acknowledged that General Commercial use would not detrimentally impact a nearby residential use when it rezoned the Property, which is adjacent to the Dealership, to residential use. Finally, we intend to combine the Property with the Dealership property through the City's platting process. This will provide the City and surrounding properties greater control over future independent development of the Property.

3. Conformance with the Comprehensive Land Use Plan. We are requesting a land use amendment in addition to our zone change application. If approved, the zone change will be consistent with the Comprehensive Land Use Plan. Furthermore, during the City's 2030 Visioning Process, the City identified Comprehensive Plan goals of "maintaining a diversified economic base and a climate that encourages economic development, redevelopment and ongoing business activity" and "encourag[ing] redevelopment of underutilized lands" (Comprehensive Plan, Ch. 2, Land Use, pp. 46, 50). The City hopes to accomplish these goals by promoting "the retention and expansion of existing businesses" and updating zoning regulations to allow desired uses (Comprehensive Plan, Ch. 2, Land Use, pp. 46, 50 [emphasis added]). Granting our request promotes these goals.
4. Conformance with any Applicable Development District. No district plan applies to our knowledge.

(D) Potential City Concerns.

1. Traffic. We do not anticipate an increase in traffic to the area.
2. Aesthetics. We will respect existing wetlands on the Property and will screen the Property as required by the City Code.
3. Noise / Lighting. The Dealership currently complies with City noise and lighting requirements and will continue to do so.
4. Future Independent Development. We will combine the Property with the Dealership property so that they are one parcel going forward, giving the City more control over future development of the Property.

V. **CONCLUSION**

We request that the City approve our application for a Comprehensive Plan Amendment and rezoning of the Property from Moderate Density Residential to General Commercial for the following reasons:

- General Commercial zoning is consistent with the zoning of the adjacent Dealership property with which the Property will be combined and promotes the City's stated goals of promoting and expanding existing Coon Rapids businesses.
- The City sought commercial development of the Property for nearly 30 years and mistakenly agreed to a compromise zone. There is now an opportunity to develop the Property for commercial uses.
- We do not anticipate any detrimental impact on the surrounding neighborhood and believe that the expansion will permit us to exchange vehicle inventory in a manner that will benefit the surrounding neighborhood as an improvement to our current system.

- The Dealership has been a long-term Coon Rapids business. Rezoning the Property will permit us to grow our business in Coon Rapids and add well paying jobs to the City.

Thank you for your consideration of our request.

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE COMPREHENSIVE
PLAN FOR THE CITY OF COON RAPIDS (PC 15-3)**

WHEREAS, the Comprehensive Plan adopted by the City Council for the City of Coon Rapids on March 18, 2008, was amended on August 8, 2012 to change the land use designation to Moderate Density Residential use for property described as follows:

Lot 1, Block 3, Carla De Addition

WHEREAS, after consideration by the Planning Commission of appropriate use for this area, the Commission has recommended that the property previously designated as Moderate Density Residential use be designated as General Commercial; and

WHEREAS, the City Council, after due deliberation and consideration of the recommendations of the Planning Commission, concurs with said recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Coon Rapids City Council that the Comprehensive Plan as amended be further amended to provide that the property hereinafter described be designated as General Commercial, to-wit:

Lot 1, Block 3, Carla De Addition

Adopted by the Coon Rapids City Council this 17th day of March, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

10.

Meeting Date: 03/17/2015

Subject: Consider Recommendation for Reappointment of Charter Commission Members and Resignation

Submitted For: David Brodie, City Attorney **From:** Leah Hattstrom, Legal Assistant

INTRODUCTION

The term of eight members of the City's Charter Commission expire March 2015. Maurice McKee, Isla Fichtner, Gerald Nelson, Milo Hartmann, Caroline LaCoursiere, Gerald Splinter, Timothy Farmer and Elizabeth Dhennin are eligible and willing to serve another four-year term effective April 2015 and expiring the end of March 2019.

The term of Charter Commission member Thomas Miller also expires March 2015. Mr. Miller has elected not to be reappointed.

DISCUSSION

State Statutes require that a minimum of seven and no more than fifteen persons serve on the Charter Commission. Of the Charter Commission's thirteen members, eight members' terms expire the end of March 2015 and one member has resigned. In 2004, the Minnesota Legislature revised Minn. Stat. Section 410.05 to remove any limits on the number of terms a charter commissioner may serve. Prior to this revision, commission members were limited to serve two consecutive four-year terms.

The Council's recommendation for appointments are forwarded to the Honorable John C. Hoffman, Chief Judge for the Tenth Judicial District, who makes the final appointment.

RECOMMENDATION

Council is asked to recommend to the Chief Judge for the Tenth Judicial District that Maurice McKee, Isla Fichtner, Gerald Nelson, Milo Hartmann, Caroline LaCoursiere, Gerald Splinter, Timothy Farmer and Elizabeth Dhennin be reappointed to serve another four-year term effective April 2, 2015 with said term to expire March 31, 2019.

Council is also asked to accept the resignation of Thomas Miller.



City Council Regular

11.

Meeting Date: 03/17/2015

Subject: Consider Resolution 15-42 Supporting Special Legislation Related to Tax Increment Financing District 6-1

From: Matt Brown, Community Development Specialist

INTRODUCTION

The Council is asked to consider Resolution 15-42, which addresses special legislation related to the Tax Increment Financing (TIF) District for the Port Riverwalk redevelopment area along Coon Rapids Boulevard, District 6-1.

DISCUSSION

Tax Increment Financing District 6-1 was created for the Port Riverwalk redevelopment area in 2007. In the early and mid-2000s, the HRA demolished over a dozen buildings and cleaned up contamination from a dry-cleaning business and illegal dump. Later in 2007, a development proposal by Shamrock Development and Rottlund Homes for about 250 for-sale townhouses and a 60-unit senior co-op building fell through. Because of poor economic conditions in subsequent years, it was difficult for the HRA to secure a developer since that time. Market conditions have now improved and the HRA believes that, with the help of special legislation, the development in the Port Riverwalk area can move forward in the near future. City staff have worked with the law firm Dorsey and Whitney to draft special legislation for the 2015 legislative session to (1) extend the Port Riverwalk TIF District by 5 years through 2038 and (2) use the current pay 2015 tax rate, rather than the frozen tax rate for calculating tax increment. It is expected that this change could result in collection of up to an additional \$4.5 million in tax increment, which would be used to reimburse the City and HRA for costs incurred related to land acquisition, relocation, and building demolition.

To date, the bill has been introduced in the Senate with Senator John Hoffman as chief author. Representative Mark Uglem has verbally agreed to author the bill in the House. A summary sheet of the special legislation is attached.

RECOMMENDATION

Staff recommends that the Council adopt Resolution 15-42 supporting special legislation related to TIF District 6-1.

Attachments

Resolution 15-42

Special Legislation Summary

Bill Text

RESOLUTION NO. 15-42

**SUPPORTING SPECIAL LEGISLATION RELATED TO TAX INCREMENT
FINANCING DISTRICT 6-1**

WHEREAS, in 2007, just before the recession began, Tax Increment Financing District 6-1 was created and the HRA spent over \$16 million in the Port Riverwalk area on property acquisition, demolition, and cleanup. The HRA demolished over a dozen buildings and cleaned up contamination from a dry-cleaning business and illegal dump;

WHEREAS, a development proposal for about 250 for-sale townhouses and a 60-unit senior co-op building fell through as the recession deepened.

WHEREAS, Because of poor economic conditions, it has been difficult for the HRA to secure a developer since that time; and

WHEREAS, Market conditions have now improved and the HRA believes that, with the help of the special legislation, the development in the Port Riverwalk area can move forward in the near future.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota that the City Council supports special legislation to (1) extend the Port Riverwalk TIF District by 5 years through **2038** and (2) use the current **pay 2015** tax rate, rather than the frozen tax rate for calculating tax increment.

Adopted this 17th day of March, 2015, by the Coon Rapids City Council.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk

2015 Legislative Request City of Coon Rapids Port Riverwalk TIF



What

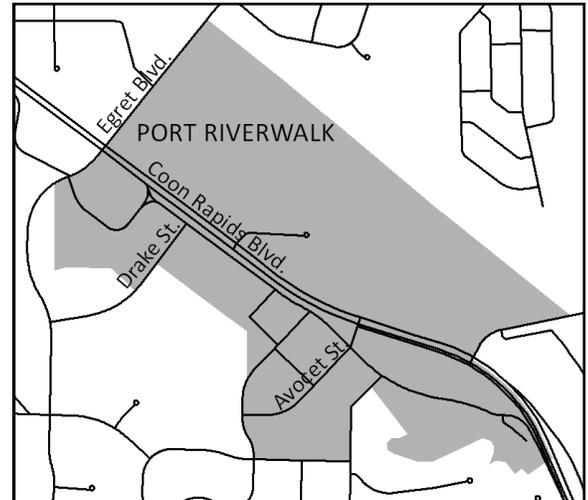
- The City of Coon Rapids and its Housing and Redevelopment Authority are seeking special legislation to (1) extend the Port Riverwalk TIF District by 5 years through **2038** and (2) use the current **pay 2015** tax rate, rather than the frozen tax rate for calculating tax increment. This could result in collection of an additional \$4.5 million in tax increment. Draft language is attached.

Why

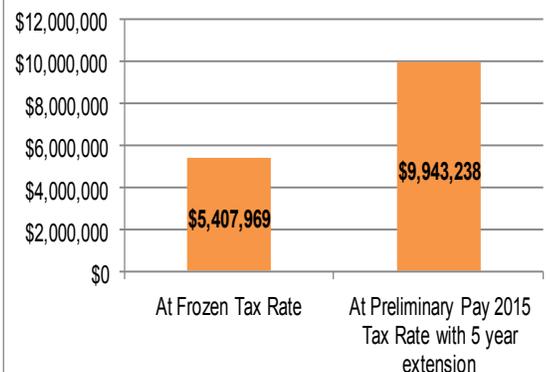
- In 2007, just before the recession began, the TIF District was created and the HRA spent over \$16 million in the Port Riverwalk area on property acquisition, demolition, and cleanup. The HRA demolished over a dozen buildings and cleaned up contamination from a dry-cleaning business and illegal dump.
- A development proposal for about 250 for-sale townhouses and a 60-unit senior co-op building fell through as the recession deepened.
- Because of poor economic conditions, it has been difficult for the HRA to secure a developer since that time.
- Market conditions have now improved and the HRA believes that, with the help of the special legislation, the development in the Port Riverwalk area can move forward in the near future.

Benefits

- No cost to the state.
- Recover funds to enable Port Riverwalk redevelopment efforts.
- Facilitate construction of new housing in a largely developed area of the City along a transit corridor.
- City of Coon Rapids has capacity to carry out significant development projects.



Future Value Tax Increment, Port Riverwalk



**SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION**

S.F. No. 1492

(SENATE AUTHORS: HOFFMAN and Johnson)

DATE	D-PG	OFFICIAL STATUS
03/09/2015		Introduction and first reading Referred to Taxes

A bill for an act

relating to taxation; tax increment financing; modifying provisions for the city of Coon Rapids.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. CITY OF COON RAPIDS; TAX INCREMENT FINANCING.

(a) Effective for taxes payable in 2016, the city of Coon Rapids may elect to compute tax increment for District 6-1 Port Riverwalk using the current local tax rate notwithstanding the provisions of Minnesota Statutes, section 469.177, subdivision 1a.

(b) Notwithstanding the provisions of Minnesota Statutes, section 469.176, subdivision 1b, or any other law to the contrary, the city of Coon Rapids may collect tax increment from District 6-1 Port Riverwalk through December 31, 2038.

EFFECTIVE DATE. Paragraph (a) is effective upon compliance by the governing body of the city of Coon Rapids with the requirements of Minnesota Statutes, section 645.021, subdivision 3. Paragraph (b) is effective upon compliance by the governing bodies of the city of Coon Rapids, Anoka County, and Independent School District No. 11 with the requirements of Minnesota Statutes, sections 469.1782, subdivision 2, and 645.021, subdivision 3.



City Council Regular

12.

Meeting Date: 03/17/2015

Subject: Consider Water Rate Increase

Submitted For: Sharon Legg, Finance Director

From: Sharon Legg, Finance Director

INTRODUCTION

Staff recommends that water rates be increased.

DISCUSSION

The Water Fund is a self-supporting fund whereas water revenues pay for water related expenses. No taxes are levied for the operation. Water rates are structured using a tiered system, whereby the more the usage the higher the rate. A conservation system was required by the Department of Natural Resources and this system satisfies that criteria.

In 2014, the City experienced a number of frozen water services that were dug up to repair. This cost roughly \$270,000 plus related overtime of about \$40,000. Water main break repairs of \$122,000 and curb stop repairs of \$175,000 were other significant costs in 2014. On top of that, water revenue was significantly less than projected due to the wet summer. Water pumped has again declined by 8.6 percent in 2014. All of this lead to a loss after interest expense of \$900,000.

The following shows how much water has been pumped over the past few years, declining due to conservation rates, water saving devices, smaller families, etc.

Year	Million gallons	% change	Water sales	% change
2007	3,268	-2.4	4,820,631	-2.6
2008	2,969	-9.1	4,612,562	-4.3
2009	3,059	3.	4,978,702	7.9
2010	2,878	-5.9	4,649,373	-6.6
2011	2,761	-4.1	4,877,657	4.9
2012	2,959	7.1	6,071,211	24.5
2013	2,662	-10.	5,529,131	-8.9
2014	2,433	-8.6	5,128,363	-7.2

In 2014, the City Council authorized a Water Master Plan. This lays out the anticipated infrastructure improvements (other than water main replacements) that need to be done over the next few years. In 2015, the SCADA (treatment plant controls) system will be replaced at a cost of \$950,000 and bonds were sold for it at the end of 2014. In 2016, another \$4.5 million of improvements are anticipated, including a new 1.5 MG water tower to eventually replace the water tower on Foley Boulevard. Staff anticipated that a four percent annual rate increase would be needed to pay for these improvements.

And, as you know, water mains are replaced if needed during street reconstruction.

These improvements as well as their financing costs have been included on the pro forma attached.

In the past, the City Council has authorized staff to gradually implement a rate structure that increases the base cost proportionately more than the per gallon cost. The reasoning is to provide for the fixed costs of the water operations. The most variable costs are the chemicals (\$110,000) and electricity (\$560,000) to treat and pump the water, in addition to some of the cost to depreciate storage facilities. Many of the costs to replace mains and curb stops, fix breaks, etc are not impacted by the amount of water sold. At present, the rate system generates most of the revenue based on usage. Staff is recommending that the base charge be increased by \$2 from the present \$12. This will cover the cost of billing as well as contributing to the fixed costs of maintaining infrastructure. The remaining rates would increase five percent. This is more than the estimated four percent due to the extreme weather conditions in 2014, both the extreme cold winter (freeze-ups) and the wet summer (less irrigation). Recommended rates are included in the attached resolution. Annually rates will be reviewed to determine how much of an increase is needed.

The base fee was last increased July 1, 2014 from \$10 to \$12 per bill and overall rates were last increased June 1, 2012.

RECOMMENDATION

Staff recommends adoption of Resolution 15-52 Establishing Water Rates.

Attachments

RS 15-52 Water rates

Graph comparing to other cities

Comparison to other city rates

Pro forma

RESOLUTION 15-52

RESOLUTION ESTABLISHING WATER RATES

WHEREAS,the City Code 13-300 allows water rates to be set by resolution; and

WHEREAS,the water rates are intended to cover the cost of operating the water system; and

WHEREAS,an increase in rates is needed to cover operating expenses.

NOW, THEREFORE, BE IT RESOLVED by the Coon Rapids City Council that the following water usage charges be adopted.

Residential (single and multiple units):		
Tier 1 per 1,000 gallons (first 20,000 gallons):	(\$1.70)	\$ 1 .80
Tier 2 per 1,000 gallons (20,001 to 80,000 gallons):	(\$2.10)	\$ 2.20
Tier 3 per 1,000 gallons (80,001 gallons and above):	(\$2.30)	\$ 2.40
Commercial/Industrial Users, per 1,000 gallons	(\$1.70)	\$ 1.80`
Sprinkling meters, per 1,000 gallons	(\$2.30)	\$ 2.40
Service Charge per account:	(\$12.00)	\$ 14.00

BE IT FURTHER RESOLVED, that these rates will become effective starting with the District Bills sent out May 1, 2015.

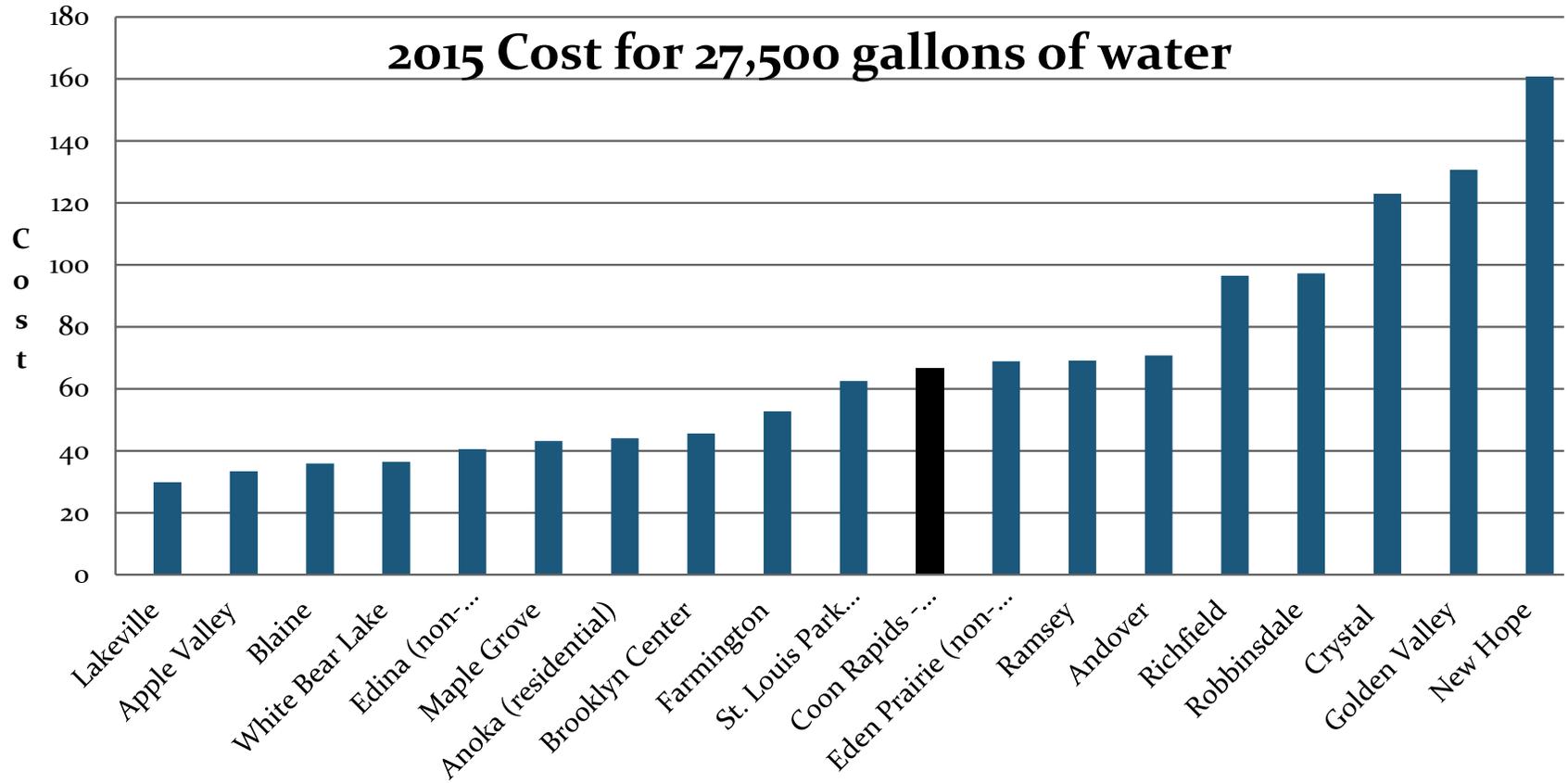
Adopted by the Coon Rapids City Council this 17th day of March, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk

2015 Cost for 27,500 gallons of water



**City of Coon Rapids, MN
Water Rates 2015 (Proposed)**

City	Base	Tier 1		Tier 2		Tier 3		Cost for 27,500 gallons
Lakeville	\$3.98	\$0.94	0-30,000	\$1.48	30,001-49,000	\$2.54	over	\$29.83
Apple Valley		\$1.20	0-15,000	\$1.23	16,000-45,000	\$1.50	46,000-105,000	\$33.38
Blaine	\$5.50	\$1.06	0-24,000	\$1.43	24,001-150,000	\$2.10	over	\$35.95
White Bear Lake	\$8.16	\$8.16		\$1.29	6,001-20,250	\$1.36	20,251-56,250	\$36.40
Edina (non-irrigation)		\$1.45	0-26,181	\$1.93	26,182-48,623	\$3.02	over	\$40.50
Maple Grove	\$3.30	\$1.10	0-20,000	\$1.45	20,001-40,000	\$1.95	over	\$43.18
Anoka (residential)	\$5.50	\$1.34	0-15,000	\$1.47	15,001-30,000	\$1.68	over	\$43.98
Brooklyn Center	\$8.20	\$1.36	0-30,000	\$1.70	31,000-60,000	\$2.54	over	\$45.60
Farmington	\$12.00	\$1.51	0-20,000	\$1.40	20,001-40,000	\$1.75	over	\$52.70
St. Louis Park (residential)	\$19.91	\$1.55	0-40,000	\$1.93	40,001-80,000	\$2.89	over	\$62.54
Coon Rapids - proposed	\$14.00	\$1.80	0-20,000	\$2.20	20,001-80,000	\$2.40	over	\$66.50
Eden Prairie (non-irrigation)	\$13.00	\$1.95	0-24,000	\$2.60	24,001-40,000	\$3.55	40,001-60,000	\$68.90
Ramsey	\$37.05		included	\$2.56	15,001-25,000	\$2.64	25,001-40,000	\$69.05
Andover	\$12.81	\$2.05	0-18,000	\$2.22	18,001-48,000	\$2.61	48,001-99,000	\$70.80
Richfield	\$5.00	\$3.30	0-25,000	\$3.61	26,000-50,000	\$3.94	over	\$96.53
Robbinsdale	\$13.74	\$2.71	0-18,000	\$3.64	18,001-39,000	\$4.72	39,001-60,000	\$97.20
Crystal	\$4.75	\$4.30	0-30,000	\$4.70	31,000-60,000	\$5.10	over	\$123.00
Golden Valley		\$4.75	0-79,000	\$4.78	over			\$130.63
New Hope	\$6.95	\$5.12	0-10,000	\$5.57	10,001-20,000	\$6.26	over	\$160.80

CITY OF COON RAPIDS, MINNESOTA

WATER FUND

STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION

2013 AND 2014 PRELIMINARY WITH 2015 AND FORWARD PROJECTIONS

(WITH COMPARATIVE AMOUNTS FOR YEAR ENDED DECEMBER 31, 2013)

ASUMMES 5% ANNUAL RATE INCREASE ASSUMES NO INCREASE IN WATER SALES	2013	Preliminary 2014	Budget 2015	Projected 2016	Projected 2017	Projected 2018
Operating Revenues:						
Water charges	\$ 5,529,131	\$ 5,128,363	5,550,000	5,827,500	6,118,875	6,424,819
Miscellaneous	23,835	25,704	40,000	40,000	40,000	40,000
Total Operating Revenues	5,552,966	5,154,067	5,590,000	5,867,500	6,158,875	6,464,819
Operating Expenses:						
Personal services	917,673	1,003,097	870,300	896,409	923,301	951,000
Other charges and services	2,013,447	2,630,663	2,155,039	2,219,690	2,286,281	2,354,869
Supplies	231,263	233,346	273,820	282,035	290,496	299,211
Depreciation on Wells 19,20,22,23				20,780	20,780	20,780
Depreciation on Wells 8,9,10,13				35,500	35,500	35,500
Depreciation on SCADA				95,000	95,000	95,000
Depreciation on new Water Tower					100,000	100,000
Depreciation	1,853,629	1,875,040	1,977,740	2,019,024	2,019,024	2,019,024
Total Operating Expenses	5,016,012	5,742,146	5,276,899	5,568,438	5,770,382	5,875,384
Operating Income	536,954	(588,079)	313,101	299,062	388,493	589,435
Nonoperating Revenues (Expenses):						
Investment income	15,120	13,040	(6,915)	(6,915)	(6,915)	(6,915)
Sale of water meters	28,745	30,280	35,000	35,000	35,000	35,000
Gain on disposal of capital assets	1,395		5,000	5,000	5,000	5,000
Interest and fiscal charges	(320,834)	(299,572)	(362,296)	(349,711)	(302,169)	(300,000)
Interest and fiscal charges for bonds of 2015			(24,650)	(29,095)	(27,735)	(25,895)
Interest and fiscal charges for bonds of 2016					(90,375)	(90,375)
Purchase and repair of water meters	(63,484)	(58,638)	(50,000)	(50,000)	(50,000)	(50,000)
Total Nonoperating Revenues (Expenses)	(339,058)	(314,890)	(403,861)	(395,721)	(437,194)	(433,185)
Changes in net position	197,896	(902,969)	(90,760)	(96,659)	(48,701)	156,250
Cash EOP		4,456,979	2,165,287	2,432,652	2,527,976	3,228,250

Cash BOP	2,590,560	4,456,979	2,165,287	2,432,652	2,527,976
Revenues	5,154,067	5,590,000	5,867,500	6,158,875	6,464,819
Add: bonds sold	4,795,000	1,700,000	4,550,000		2,260,000
Less: expenditures	(5,742,146)	(5,276,899)	(5,568,438)	(5,770,382)	(5,875,384)
Add: depreciation	1,875,040	1,977,740	2,019,024	2,019,024	2,019,024
Less: capital outlay	(2,950,652)	(4,683,672)	(4,550,000)		(2,260,000)
Less: bond principal	(950,000)	(1,195,000)	(1,655,000)	(1,715,000)	(950,000)
Less: bonds of 2015				(160,000)	(160,000)
Less: bonds of 2016					(365,000)
Add nonoperating rev(exp)	(314,890)	(403,861)	(395,721)	(437,194)	(433,185)
Cash EOP	4,456,979	2,165,287	2,432,652	2,527,976	3,228,250



City Council Regular

13.

Meeting Date: 03/17/2015

Subject: Consider Adopting Resolution No. 15-54 Supporting Dedicated State Funding for City Streets

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

INTRODUCTION

The League of Minnesota Cities (LMC) Board of Directors adopted a resolution on February 19, 2015 supporting dedicated state funding for city streets. The LMC is asking cities to also adopt the attached resolution in support of this funding initiative.

DISCUSSION

The resolution, which is aimed at formalizing a directive enacted by the LMC Board in January, supports “an omnibus transportation funding bill that provides additional dedicated state funding for city streets including funding that can be used for non-MSA (municipal state aid) city street maintenance, construction and reconstruction.”

The resolution will be presented to legislators, Gov. Dayton, and other stakeholders.

Cities that are interested in supporting this effort are encouraged to consider adopting this resolution as soon as possible, and then sharing it with their legislators. Copies of resolutions that have been adopted should also be submitted to LMC Assistant Intergovernmental Relations Director.

RECOMMENDATION

Staff is recommending that the City Council consider support for this resolution, and are requested that Resolution No. 15-54 be adopted supporting dedicated state funding for city streets.

Attachments

Resolution No. 15-54

RESOLUTION NO. 15-54

**A RESOLUTION SUPPORTING DEDICATED STATE FUNDING
FOR CITY STREETS**

WHEREAS, Minnesota contains over 141,000 miles of roadway, and over 22,500 miles, or 16 percent, are owned and maintained by Minnesota's 852 cities; and

WHEREAS, almost 85 percent of municipal streets are ineligible for dedicated Highway User Tax Distribution Fund dollars; and

WHEREAS, the more than 700 Minnesota cities with populations below 5,000 are ineligible for dedicated Highway User Tax Distribution Fund dollars; and

WHEREAS, city streets are a separate but integral piece of the network of roads supporting movement of people and goods; and

WHEREAS, existing funding mechanisms, such as Municipal State Aid (MSA), property taxes and special assessments, have limited applications, leaving cities under-equipped to address growing needs; and

WHEREAS, city cost participation in state and county highway projects diverts resources from city-owned streets; and

WHEREAS, maintenance costs increase as road systems age, and no city, large or small, is spending enough on roadway capital improvements to maintain a 50-year lifecycle; and

WHEREAS, for every one dollar spent on maintenance, a road authority, and therefore taxpayers, save seven dollars in repairs; and

WHEREAS, cities need greater resources, including an additional dedicated state funding source for transportation, and flexible policies in order to meet growing demands for street improvements and maintenance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Coon Rapids, Minnesota, that the City of Coon Rapids supports an omnibus transportation funding bill that provides additional dedicated state funding for city streets including funding that can be used for non-MSA city street maintenance, construction and reconstruction.

Adopted this 17th day of March, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

14.

Meeting Date: 03/17/2015

Subject: Consider Adopting Resolution No. 15-11(8) Approving Plans and Specs and Ordering Advertisement for Bids for Miscellaneous Bituminous Repair Contract

Submitted For: Mark Hansen, Assistant City Engineer

From: Cher Ridout, Admin Secretary II

INTRODUCTION

Each year the City contracts for street repairs throughout the City, primarily in the seal coat areas and watermain break areas. The City Engineering Division completed plans and specifications for the 2015 miscellaneous bituminous repair contract. Council is requested to approve the plans and specifications and order advertisement for bids for this work.

DISCUSSION

There are various types of street, trail, and parking lot repair work needed throughout the City each year. This includes concrete repair, bituminous surfacing repair, and turf restoration. The City will be soliciting quotes for the smaller concrete repair and turf restoration contracts. The larger bituminous repair contract will be advertised for bids. The advertisement would be published in April with a bid opening scheduled for April 17, 2015. Bid results and a recommendation for contract award would be presented to Council at the April 21, 2015 meeting. Once the contract has been awarded, the repair work can begin in May and would continue through the year as weather permits.

Work proposed to be included within the contract is as follows:

- Watermain repair street patches from late 2014 through March 2015.
- Street repair at the intersection of 132nd Avenue and Grouse Street. This short stretch of street localized around the intersection of 132nd Avenue and Grouse Street has deteriorated much more rapidly than the adjacent streets, and needs to be addressed sooner than the City's street reconstruction program can accommodate. The deterioration is believed due to poor sub-soils, and high groundwater elevations.
- City Hall parking lot reconstruction.
- City Park parking lot reconstruction at Al Flynn Park (Both Lots) and Hoover Elementary School.
- Trail reconstruction within Lions Coon Creek Park (Walking Loop only), Nelson Park, and Parkside Park.

RECOMMENDATION

It is recommended the City Council adopt Resolution No. 15-22(8) approving plans and specifications and ordering advertisement for bids for the miscellaneous bituminous repair contract.

BUDGET IMPACT:

The work outlined above has been estimated to cost approximately \$635,000. Funding for this project comes from a variety of budgeted activities, based upon the type of work performed. Patching for watermain break repairs would be paid from the Water Utility Fund (601), street repair work at 132nd Avenue and Grouse Street would come from the Street Reconstruction Fund (501 and/or 797), City Hall parking lot reconstruction would come from the Facilities Construction Fund (786), and City Park parking lot and trail reconstruction would come from the Parks Improvement Fund (794).

Attachments

Resolution No. 15-11(8)

RESOLUTION NO. 15-11(8)

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

WHEREAS, the Coon Rapids Engineering Division has prepared plans and specifications for the improvement of the City's street system by bituminous repairs 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 and in a trade journal, if applicable, an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 14 days, shall specify the work to be done, shall state that bids will be received by the Clerk until 10:00 a.m. on the 17th day of April, 2015, at which time they will be publicly opened in the City Hall by the City Clerk and Engineer, will then be tabulated, and will be considered by the Council at 7:00 p.m. on the 21st day of April, 2015, in the Council Chambers, and that no bids will be considered unless sealed and filed with the Clerk 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 17th day of March, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

15.

Meeting Date: 03/17/2015

Subject: Consider 2015 SCORE Grant Approval

Submitted For: Colleen Sinclair, Recycling Coordinator

From: Colleen Sinclair, Recycling Coordinator

INTRODUCTION

Anoka County has submitted the 2015 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, 2015 through December 31, 2015. These funds within this agreement are used to meet the 2015 recycling goal of 5,835 tons, as set by Anoka County. Coon Rapids is entitled to receive reimbursement for eligible activities up to \$234,370. The 2015 recycling budget was approved by the City and County, with SCORE funds available to Coon Rapids in the amount of \$234,370. Due to the growth of the waste reduction and recycling services the City provides (including a five day a week drop off site, several additional service opportunities throughout the month, and the addition of a new Styrofoam machine), the facility has seen an increase in activity. Most of this increase has come from the small business community and residents from all around Anoka County; taking advantage of the year round services provided in Coon Rapids. With this growth the facility is also experiencing an increased work load.

Due to this increased demand, the program is lacking an adequate structure and routine that is required to maintain current service levels. This SCORE grant agreement includes a funding request to increase the hours of the Recycling Assistant from 20 to 32 hours per week, which would be covered completely by the SCORE program. The increased hours would allow for improved work flow, added structure, and better processes and procedures for the day to day operations of the facility. It would also allow for adequate training of the site staff (City and contracted employees) to improve the behind the scenes functionality that's required to run a strong program and build stronger end markets, which in turn would provide more opportunities.

This additional staffing request does, however, impact the City. Due to the new health care reform laws, any employee that exceeds 30 hours/week on average is required to be covered by the City funded health care benefits in the following year. The expense of adding benefits for this Recycling Assistant's expanded hours would be approximately \$6,400 for fiscal year 2016. At that time it would also be the goal to move this position to full time, with SCORE funding continuing to cover 32 hours/week, and the City's contribution being health care benefits and one day of labor (estimated at \$8,000). This increase would obviously affect the 2016 general fund, and thus this increased commitment for the full time position will be bought forward through the budgeting process this spring/summer.

RECOMMENDATION

It is recommended that the City Council approve the attached SCORE funding recycling agreement between Anoka County and the City of Coon Rapids. It is further recommended that the Recycling Assistant's hours be expanded to 32 hours/week in 2015.

BUDGET IMPACT:

There is no 2015 City budget impact associated with this agreement, as the SCORE funds would cover all costs. As outlined above, however, it would have an impact in 2016 City budget of approximately \$6,400, and potentially up to \$14,500 should the 2016 budget process include a further expansion of Recycling Assistant hours to full time employment.

Attachments

2015 SCORE grant contract

AGREEMENT FOR RESIDENTIAL RECYCLING PROGRAM

THIS AGREEMENT made and entered into on the 1st day of January, 2015, 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, the County will receive \$1,051,986.00 in funding from the State of Minnesota pursuant to Minn. Stat. § 115A.557 (hereinafter "SCORE funds") and \$253,916.27 in funding pursuant to Minn. Stat. § 473.8441 (hereinafter "LRDG funds ") during 2015; and

WHEREAS, pursuant to new legislation, a portion of the SCORE funds must be used to encourage recycling of source-separated compostable materials, and Anoka County has determined that the minimum amount for this new program is \$116,810.50; and

WHEREAS, the 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, 2015 through December 31, 2015, unless earlier terminated as provided herein.
3. **DEFINITIONS.**
 - a. "Problem material" shall have the meaning set forth in Minn. Stat. § 115A.03, subd. 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, subd. 38.
 - h. "Source-separated compostables" (commonly called "organics") shall have the meaning set forth in Minn. Stat. § 115A.03, subd. 32a.
 - i. "Quasi-Municipal Event" means community festivals which appear to the public to be supported and run by the Municipality but in fact are sponsored or co-sponsored by an independent non-profit 501c(3) organization, for example: the Anoka Halloween Parade.
4. **PROGRAM.** The Municipality shall develop and implement a residential solid waste recycling program adequate to meet the Municipality's annual recycling goal of 5,835 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 (including cardboard/paperboard cartons), 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:
 - (a) One promotion is to be mailed to each household focused exclusively on the Municipality's recycling program;
 - (b) One promotion advertising recycling opportunities available for residents is to be included in the Municipality's newsletter or local newspaper; and
 - (c) Two community outreach activities at municipal events to inform residents about recycling opportunities.
 - iv. The public information components listed above shall focus on all recyclable materials and the various opportunities to recycle within the Municipality. The Municipality shall incorporate SWMCB Rethink Recycling images and use the toolkits provided when preparing promotional materials. 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 per year.
 - vi. The Municipality shall offer one or two spring and fall clean-up/recycling drop-off event(s) where items not normally accepted at the curb are collected for recycling. If the Municipality is hosting a Monthly drop off as described in 4.b.i below, the spring/fall clean-up/recycling drop-off events may be included within that program.
 - 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 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 Municipality sponsored or Quasi-Municipal 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.
 - vi. Develop additional opportunities for Source-Separated Compostables/Organics collection.
- 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.
 - d. The Municipality's recycling program shall be limited to residential programming for funding reimbursements under this Agreement. The County will not reimburse business recycling programming or household hazardous waste programming by the Municipality. Any inquiries of requests regarding these topics should be sent to the County for response.
5. **REPORTING.** The Municipality shall submit the following reports semi-annually to the County no later than July 20, 2015 and January 10, 2016:
- 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, 2015 and January 10, 2016. Costs not billed by January 10, 2016 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 \$234,370.00. The project maximum for eligible expenses shall be computed as follows:
 - a. A base amount of \$10,000.00 for recycling activities only;
 - b. \$5.00 per household for recycling activities only; 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; Multi-unit Recycling; and Source-Separated Compostables Collection;
 - c. After considering the 2015 Municipal Funding Request (Attachment B), designating the additional Grant Projects that the City will undertake in the upcoming year; and
 - d. 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 Municipality does not undertake and complete the additional Grant Projects referenced in Attachment B. The County also reserves the ability to assess the programs and reallocate unused SCORE and LRDG funds mid-year if any participating Municipality demonstrates the need for the funding and funds are available.

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 (5) 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)." The Municipality shall provide copies of all promotional materials funded by SCORE funds.

The County shall provide all printed public information pieces about County programs. A Municipality shall not modify County publications related to business recycling, household hazardous waste management or the County compost sites.

Information about the County's business recycling program, household hazardous waste management program or County compost sites that a Municipality plans to publish in a Municipal communication, printed or electronic, shall be provided to the County for review and approved by the County prior to publication to ensure accuracy and consistency.

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.

the remainder of this page left intentionally blank

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: _____

Jerry Soma
County Administrator

Municipality's Clerk

Date: _____

Date: _____

Approved as to form and legality:

Approved as to form and legality:

Assistant County Attorney

Date: _____

Date: _____

**2015 Funding Available for Municipal Waste Abatement Programs
Attachment A**

Municipality	2015 Base Funding and Goals					2015 Additional Enhancement Funds Available										Total Funds Available for 2015 Base + Enhancement Funds						
	Contract Number	Total Pop	HH	\$10,000 Base	\$5,000/HH	Total	Goals: 175 PP MH + 190 PP SF	Monthly Drop-off Events	Drop-off Service Center	Park and Event Recycling			Curbside and Multi-Unit Recycling				General Enhancement Grant \$1/HH	Organics Collection \$1/HH				
Andover	C0003911	31,692	10,200	\$ 10,000	\$ 51,000	\$ 61,000	2,996	Up to 6,999 households	\$10,000	Full Service Drop-off Center	\$30,000	Up to 2,000 households	2,001-4,999 households	5,000 and up households	Up to 2,000 households	2,001-4,999 households	5,000 and up households	\$ 6,000	\$ 6,000	\$ 10,200	\$ 10,200	\$ 108,400
Andover	C0003912	17,283	7,214	\$ 10,000	\$ 36,070	\$ 46,070	1,519	5,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 7,214	\$ 7,214	\$ 87,498
Bethel	C0003913	465	180	\$ 10,000	\$ 900	\$ 10,900	44	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 180	\$ 180	\$ 25,260
Bethel	C0003914	62,018	22,299	\$ 10,000	\$ 111,495	\$ 121,495	5,785	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 22,299	\$ 22,299	\$ 193,093
Centerville	C0003915	3,953	1,337	\$ 10,000	\$ 6,685	\$ 16,685	373	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 1,337	\$ 1,337	\$ 33,359
Columbia Heights	C0003916	5,014	2,015	\$ 10,000	\$ 10,075	\$ 20,075	472	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 2,015	\$ 2,015	\$ 42,105
Columbia Heights	C0003917	19,758	8,055	\$ 10,000	\$ 40,275	\$ 50,275	1,826	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 8,055	\$ 8,055	\$ 93,385
Coon Rapids	C0003918	3,960	1,447	\$ 10,000	\$ 7,235	\$ 17,235	376	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 2,015	\$ 2,015	\$ 42,105
East Bethel	C0003919	62,684	23,910	\$ 10,000	\$ 119,550	\$ 129,550	5,835	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 23,910	\$ 23,910	\$ 234,370
Fridley	C0003920	11,588	4,052	\$ 10,000	\$ 20,260	\$ 30,260	1,094	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 4,052	\$ 4,052	\$ 56,364
Hann Lake	C0003921	27,865	11,412	\$ 10,000	\$ 57,060	\$ 67,060	2,569	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 11,412	\$ 11,412	\$ 116,884
Hilltop	C0003922	15,650	5,323	\$ 10,000	\$ 26,635	\$ 36,635	1,475	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 5,323	\$ 5,323	\$ 74,261
Leukington	C0003923	855	397	\$ 10,000	\$ 1,985	\$ 11,985	76	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 397	\$ 397	\$ 26,779
Lino Lakes	C0003924	2,061	790	\$ 10,000	\$ 3,950	\$ 13,950	191	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 790	\$ 790	\$ 29,530
Linwood Township	C0003925	20,893	6,382	\$ 10,000	\$ 31,910	\$ 41,910	1,836	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 6,382	\$ 6,382	\$ 81,674
Nowthen	C0003926	5,223	1,912	\$ 10,000	\$ 9,560	\$ 19,560	493	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 1,912	\$ 1,912	\$ 34,353
Oak Grove	C0003927	4,537	1,479	\$ 10,000	\$ 7,395	\$ 17,395	425	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 1,479	\$ 1,479	\$ 34,353
Rainey	C0003928	8,210	2,781	\$ 10,000	\$ 13,935	\$ 23,935	778	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 2,781	\$ 2,781	\$ 47,467
Spring Lake Park	C0003929	24,306	8,567	\$ 10,000	\$ 41,835	\$ 51,835	2,291	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 8,567	\$ 8,567	\$ 95,569
St. Francis	C0003930	6,366	2,628	\$ 10,000	\$ 13,140	\$ 23,140	582	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 2,628	\$ 2,628	\$ 46,396
St. Francis	C0003931	7,240	2,567	\$ 10,000	\$ 12,835	\$ 22,835	679	Up to 15,000 households	\$15,000									\$ 6,000	\$ 6,000	\$ 2,567	\$ 2,567	\$ 45,969
		341,465	124,747	\$ 210,000	\$ 623,735	\$ 835,735	31,727		\$ 120,000		\$ 30,000	\$ 14,000	\$ 20,000	\$ 54,000	\$ 14,000	\$ 4,000	\$ 6,000	\$ 4,000	\$ 124,747	\$ 124,747	\$ 1,544,229	

2015 Total SCORE Allocation: \$1,051,986 - \$116,810.50 must be spent on organics
Population and Household Counts are based on 2013 Met Council Estimates
Goals are based on 190 pounds/person/year, single family home up to 4 units and 175 pounds/person/year multi-unit 5 units or more

**2015 Municipal Funding Request
Attachment B**

The City of Coon Rapids is requesting the following funding for their municipal efforts in 2015.

Grant Projects	Eligible Allocations	Amount Requested
Municipal Grant Funding Allocation	\$129,550.00	\$129,550.00
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	\$30,000.00
Monthly Drop-off Event (at least 8 months)	\$15,000.00	\$ 15,000
Municipal Park/Community Event Recycling	\$6,000.00	\$ 6,000
Multi-Unit /Curbside Recycling	\$6,000.00	\$ 6,000
Recycling Enhancement Grant (Additional promotion efforts, multi-units, Insert a description of the efforts being proposed below.	\$23,910.00	\$ 23,910.00
Source-Separated Compostables/Organics Grant	\$23,910.00	\$ 23,910.00
Total Amount Eligible Being Requested for 2015	\$234,370.00	\$* 234,370.00

A description of the efforts being proposed for the additional funding requests.

The requested funding amount covers the general operating costs of running the recycling program. This includes staff 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, carpet and continuing organic food waste recycling. Organics: transportation \$5000, container rental \$600, tipping fees \$2000, promotion \$5000, adding program to city properties \$2000, curbside pilot program with Walter's waste hauler \$6000.

The City of Coon Rapids requests *234,370.00 for 2015 Municipal Funding.

Date 3/11/2015

Name Colleen Senclair

Title Recycling Coordinator

*these amounts should match and may not exceed eligible allocation total. This amount will be 90% of the contract maximum for the grant.



City Council Regular

16.

Meeting Date: 03/17/2015

Subject: PC15-9 Zone Change: Consider Adoption of Ordinance 2135 Changing the Zoning from Office to Community Commercial, 80 Coon Rapids Blvd.

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting the approval of an ordinance to change the zoning of certain property from Office to Community Commercial. The applicant is also proposing a corresponding land use amendment to Community Commercial.

DISCUSSION

Background

The property is approximately 1.7 acres in size. The existing 10,200 square foot multi-tenant building was constructed in 1977. It is currently vacant and most recently was occupied by a day care center and a dance studio. According to the applicant, the dance studio closed about four years ago and the daycare closed at the end of 2014. The property has been guided and zoned as office since 1986; from 1980 to 1986 it was Office-Multiple, and from 1968 to 1980 it was guided and zoned Industrial.

Access into the site is difficult. There is a right-in only available from eastbound Coon Rapids Boulevard. Other access into and out of the site is through the commercial development to the south. There is no direct access to Coon Rapids Boulevard.

Recently, there has been interest expressed from possible tenants that fit with the uses allowed in the Community Commercial zoning district. In response to inquiries and in recognition of the changing market, the applicant is requesting the zoning be changed from Office to Community Commercial and a corresponding land use change from Office to Community Commercial.

Analysis

The intent of the Community Commercial District is to minimize detrimental influences on surrounding residential neighborhoods, while encouraging efficient and attractive large scale shopping centers. Such centers should be designed as a unit and have access to arterial streets. This site sits along one of the most heavily traveled corridors in the city with its main access through an existing shopping center. Changing the zoning to Community Commercial would open it up to a wider variety of uses, typical of those allowed in shopping center and peripheral parcels. A list of uses allowed in the Community Commercial district is attached.

Compatibility with the Comprehensive Plan

Goal of improving the appearance and function of Coon Rapids Boulevard

One of the ongoing discussions relating to the Boulevard is how does the City improve it's commercial vitality. This

proposed zone change from Office to Community Commercial would lay the groundwork for the revitalization of this site.

Objective to curb the blighting characteristics along the Boulevard and eliminate under utilized and obsolete land uses

When the site was developed prior to the development of the adjacent shopping center it was a stand alone building. By changing the land use designation to Community Commercial, this under utilized and obsolete site can be in a position to be an asset to the Boulevard and take advantage of its proximity to shopping center.

Compatibility with the Coon Rapids Boulevard Framework Plan

The Framework calls out for the revitalization of obsolete, vacant and weak areas. By changing the zoning to Community Commercial, this site would be more attractive for potential users.

The City Council should also give consideration to the evaluation criteria found in Section 11- 304 when making their recommendation on rezoning requests.

- Effect of public health, safety, order, convenience, and general welfare in the area.
- Effect on present and potential surrounding land uses.
- Conformance with the Comprehensive Land Use Plan.
- Conformance with any applicable development district.

Planning Commission Meeting

At the Planning Commission meeting held on February 19th, no one spoke at the public hearing. The Commission discussed access to the site and how traffic has to drive through or by the adjacent shopping center. The Commission determined that the changing times and market warrants the zone change to Community Commercial. The Commission voted 4:0 to recommend approval of the proposed zone change.

City Council Meeting

At the City Council meeting held on March 3rd, the Council introduced the proposed ordinance without discussion.

RECOMMENDATION

In Planning Case 15-9, the Planning Commission recommends the City Council **approve** the proposed ordinance **approving** the rezoning based on the following findings:

1. The proposed rezoning to Community Commercial is consistent with the land use designation of Community Commercial.
2. The proposed rezoning is compatible with the adjacent land uses and zoning.
3. The times and conditions have change so that a reasonable use of the property can not be made under the current zoning.
4. The proposed zone change would not have an adverse impact on the area.
5. The proposed rezoning is consistent with the Coon Rapids Boulevard framework Plan and the River Rapids Overlay District.

Attachments

Location Map

Zoning Map

Applicant's Narrative

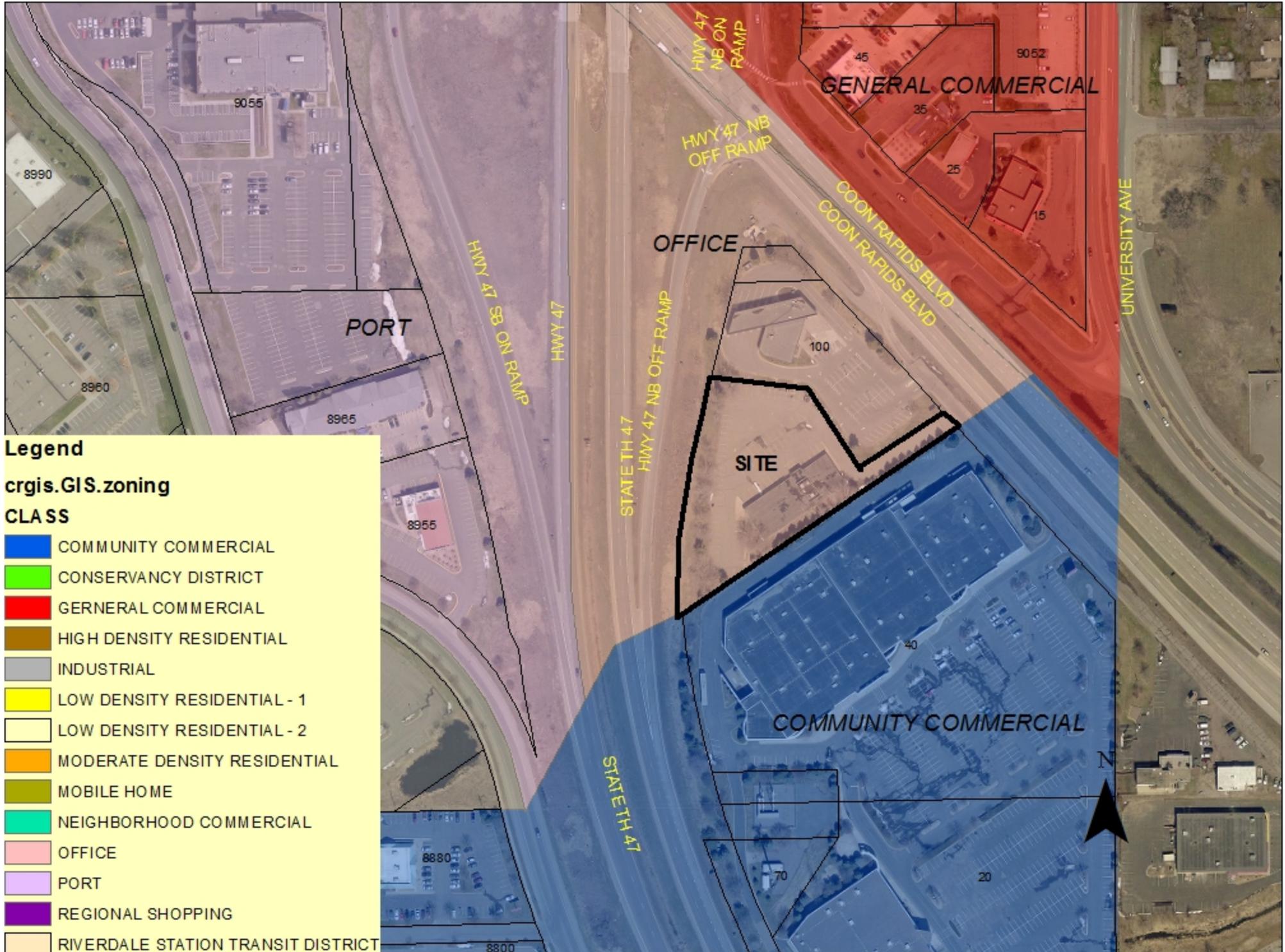
Table of Allowed Commercial Uses

Proposed Ordinance

Location Map



Zoning Map



Legend
crgis.GIS.zoning
CLASS

	COMMUNITY COMMERCIAL
	CONSERVANCY DISTRICT
	GERNERAL COMMERCIAL
	HIGH DENSITY RESIDENTIAL
	INDUSTRIAL
	LOW DENSITY RESIDENTIAL - 1
	LOW DENSITY RESIDENTIAL - 2
	MODERATE DENSITY RESIDENTIAL
	MOBILE HOME
	NEIGHBORHOOD COMMERCIAL
	OFFICE
	PORT
	REGIONAL SHOPPING
	RIVERDALE STATION TRANSIT DISTRICT

To: City of Coon Rapids
Cc: City Planning Department
Subject: Rezoning request and Comprehensive Plan Amendment from Office to Community Commercial, 80 Coon Rapids Blvd. NW

1. **Subject Property:** The Subject property is approximately 1.7 acres in size (Please see Exhibit A attached Aerial Photo of the property). It contains a commercial building of +/- 10,200 sq. ft. in size. The building was constructed in 1977. It has been occupied by a dance studio and day care center for the past 30+ years. The dance studio closed about 4 years ago and the day care closed the end of 2014. The building is currently vacant.
2. **Surrounding Land Uses:** The property is surrounded by other commercial property (See attached Exhibit B). The property to the south is zoned and planned and occupied by Community Commercial. The property to the east and north is zoned and planned and occupied by General Commercial (with the exclusion of the Wells Fargo Bank which is zoned and planned for Office). The property to the west is zoned and planned and occupied by Community Commercial and Industrial.
3. **Reason for zoning and comprehensive plan change:** The Subject Property was developed before the other properties adjoining the site were developed as Community Commercial. The current property is essentially now a "spot zoning" as Office, rather than being in harmony and conformity with the zoning and planning of the abutting Community Commercial uses.
4. **Consistency with goals and objectives of plan:** The property has 390 feet of frontage on Highway 47 and has access from the Coon Rapids Blvd. service road. It is a highly visible property to the area's arterial road system and has vehicular access to said road system. It has been for sale for four years and the interested parties in the property have been commercial users, rather than office users. In fact, no office users have exhibited any interest in the property. The property has not been used as an office use for the past 30+ years. The planned use of the property as Community Commercial is consistent with the use of the surrounding Community Commercial businesses. The entire eastern 539 feet of the property adjoins the next door property which is zoned and planned as Community Commercial.
5. **Current Land Use Designation and Zoning:** The property is currently zoned Office and identified on the Comprehensive Plan as Office.
6. **Compatibility of Proposed Land Use with the Surrounding Area:** The property is already developed and has been used as a commercial use for the past 30+ years. Its rezoning and plan change from Office to Community Commercial will be in harmony and compatibility with the property's surrounding area.

Uses.

PRINCIPAL USES						
COMMERCIAL USES						
Retail Sales and Service	O	NC	CC	GC	RS	
General retail sales	NP	NP	P	P	P	
General retail sales less than 15,000 square feet total building size	P	P	P	P	P	
Art gallery or studio	NP	P	P	P	P	
Bank or financial institution	P	NP	P	P	P	
Building material sales or lumber yard	NP	NP	P	P	NP	
Child care center, state licensed	P	P	P	P	P	
Commercial self storage with no outdoor storage	NP	NP	NP	C	NP	
Contractors office	NP	NP	NP	P	NP	
Dry cleaning establishment	NP	NP	NP	C	NP	
Farmers market	NP	P	P	P	NP	
Firearms dealer	NP	NP	P	P	P	
Funeral home	C	NP	P	P	NP	
Greenhouse, lawn and garden supply store	NP	NP	P	P	NP	
Laundry, self service	NP	P	P	P	NP	
No adult oriented business, as defined by Section 5-2202 , is permitted, except adult book stores, adult cabarets, adult conversation parlors, adult motion picture theaters, and adult novelty businesses, subject to regulation under Chapter 5-2200 and Section 11-1208, or state or federal law.	NP	NP	NP	P	NP	
Non-on-premises consumption adult bookstores and adult novelty stores, as defined by Revised City Code 1982 Section 5-2202 , subject to regulation under Revised City Code 1982 Chapter 5-2200 and Section 11-1208	NP	NP	P	NP	NP	
Pawnbroker	NP	NP	P	P	NP	
Performing, visual or martial arts school	NP	NP	P	P	NP	
Personal service establishment	P	P	P	P	P	
Pet grooming shops, provided no animal is kept overnight or outside and no noise is audible outside of the building or bay occupied by the grooming shop	NP	P	P	P	P	
Pet store	NP	P	P	P	P	
Photocopying, duplicating services	P	P	P	P	NP	
Precious Metal Dealers defined and regulated by Title 5	NP	P	P	P	P	
Printing and publishing	NP	NP	C	C	NP	
Rental business - no outdoor storage	NP	NP	P	P	NP	
Rental business - with outdoor storage	NP	NP	NP	C	NP	
Secondhand Dealers or Antique Dealers defined and regulated by Title 5	NP	P	P	P	P	
Self storage facility with no outdoor storage	NP	NP	NP	C	NP	
Service Business	P	P	P	P	NP	
Transient Merchants, Solicitors, and Canvassers, defined and regulated by Title 5	NP	P	P	P	NP	
Veterinary clinic, animal hospital, kennel - no outdoor runs	P	NP	P	P	NP	
Video store	P	P	P	P	P	
Automobile Services	O	NC	CC	GC	RS	
Automobile rental facility	NP	NP	C	C	NP	
Automobile repair, major	NP	NP	NP	C	NP	
Automobile repair, minor	NP	NP	P	P	NP	
Automobile sales provided that:	NP	NP	C	P	NP	
(a) Must have minimum of 40,000 square foot building;						
(b) Indoor display area, and						
(c) The building meets the development guidelines found in subsection 11-701.2.						
Car wash	NP	NP	P	P	NP	
Convenience store	NP	NP	P	P	NP	
Convenience store provided that:	NP	C	P	P	NP	
(a) The fuel sales are incidental to a retail store;						
(b) No separate building, structure, or store is used as part of the fuel sales;						
(c) No more than four dispensing hoses may be operable simultaneously per neighborhood shopping center, and						
(d) The fuel sales shall be accessible from off the parcel of property on which it is located by way of at least two in and out vehicular accesses.						
Major recreational equipment sales, service and rental	NP	NP	NP	P	NP	
Food and Beverage	O	NC	CC	GC	RS	
Catering	NP	P	P	P	NP	
Coffee shop	P	P	P	P	P	
Liquor, off sale	NP	NP	P	P	P	
Restaurant, delicatessen	P	P	P	P	P	
Restaurant, fast food	NP	NP	P	P	P	
Restaurant, sit down including the serving of alcohol beverages provided they occupy no more than 25 percent of a building and have no drive up facility	P	P	P	P	P	
Restaurant, sit down including the serving of alcohol beverages	C	C	P	P	P	
Tavern or bars	NP	NP	P	P	NP	
Commercial Recreation, Entertainment and Lodging	O	NC	CC	GC	RS	
Amusement centers	NP	NP	NP	P	NP	
Hotel	NP	NP	P	P	P	
Indoor recreation	NP	NP	P	P	NP	
Outdoor recreation	NP	NP	C	C	NP	
Physical fitness center	NP	NP	P	P	P	
Physical fitness center 3,000 square feet floor area or less	NP	P	P	P	P	
Radio or television station	NP	NP	P	P	NP	
Reception or meeting hall	NP	C	P	P	NP	
Theater	NP	NP	P	P	NP	
Office and Medical Facilities	O	NC	CC	GC	RS	
Blood/ plasma collection facility	NP	NP	NP	P	NP	
Clinic, medical or dental	P	NP	P	P	P	
Clinic, medical or dental less than 15,000 square feet total building size	P	P	P	P	P	
General Office	P	NP	P	P	P	
General Office less than 15,000 square feet total building size	P	P	P	P	P	
Hospital	NP	NP	C	C	NP	
Laboratory, medical or dental	P	NP	P	P	NP	
Transportation	O	NC	CC	GC	RS	
Ambulance service	NP	NP	NP	C	NP	
Limousine service	NP	NP	NP	C	NP	

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 15-9)**

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 Office to Community Commercial:

That part of the southeast 1/4 of the northeast 1/4 of section 36, township 31 range 24 described as follows: Beginning at a point on the southwesterly right of way of U.S. Highway 10, 400 feet as measured along the said right of way from the east line of said 1/4 of the 1/4 (assumed bearing north 42 degrees 27 minutes west), thence continuing north 42 degrees 27 minutes west along said right of way, 34.34 feet, thence south 55 degrees 41 minutes 03 seconds west, 170 feet, thence north 33 degrees 43 minutes 51 seconds west, 160.80 feet, thence north 82 degrees 29 minutes 24 seconds west, 161.50 feet to easterly right of way of state highway number 47, thence southerly along said right of way, 390 feet to the intersection with a line drawn from the point of beginning to a point on the south line of said 1/4 of the 1/4, 1229.7 feet west of the southeast corner of said 1/4 of the 1/4, thence northeasterly along said line 538.8 feet to the point of beginning, except for road subject to easements of record.

Introduced the 3rd day of March, 2015

Adopted on the ____ day of March, 2015

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

17.

Meeting Date: 03/17/2015

Subject: PC 15-4: Consider Adoption of Ordinance 2136 to Change Zoning from Moderate Density Residential to General Commercial

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting approval of an ordinance to change the zoning of property, located at the corner of Egret Boulevard and Woodcrest Drive, from Moderate Density Residential to General Commercial. The applicant is also proposing a corresponding land use amendment to General Commercial.

DISCUSSION

Background

The applicant is requesting a zone change from Moderate Density Residential to General Commercial. The site is currently vacant. According to the wetland inventory, there are two small wetlands on the site. The site is approximately four acres in size; it is bounded by Egret Boulevard on the north, Woodcrest Drive on the south and west and a car dealership on the east.

In 2007 a developer applied for a rezoning to change the zoning from Office to High Density Residential to allow for the construction of an apartment. Council denied his request and the associated apartment building. In 2011 the property owner applied for a rezoning to change the zoning from Office to High Density Residential; the Council also denied that application. In 2012 the property owner applied for a rezoning to change the zoning from Office to Moderate Density Residential; this request was granted by the Council.

Analysis

From 1985 to 1999 the subject property was zoned Neighborhood Commercial. The property remained undeveloped during this time. Included as part of the Comprehensive Plan update approved in 1999, the property was rezoned to Office and remained undeveloped. Since the property was rezoned from Neighborhood Commercial to Office, the properties to the east and south, which have frontage along Highway 10, have been developed. Because this property is not visible from Highway 10 and the nearest access to Highway 10 is over a mile away, it is not very desirable as commercial or office development. It is a better candidate for a use that does not depend on visibility or access from Highway 10 such as a moderate density residential development.

In 2012 the property was rezoned to Moderate Density Residential at the request of the property owner. The intent of the Moderate Density Residential District is to provide housing at moderate densities between four and seven units per acre. The subject property is located in an area that is, with the exception of the car dealership that has Highway 10 frontage, generally residential in character. There are townhomes, neighborhood commercial and a park nearby. The current zoning of Moderate Density Residential is consistent with the current residential character of the neighborhood.

Proposed General Commercial Zoning

The intent of the General Commercial District is to encourage businesses which are highway oriented and tend to include businesses that are less compatible with residential areas than other commercial districts. Because the uses are less compatible with residential areas, they require buffering. The subject property does not fit with the stated intent of the General Commercial District. Because of the lack of visibility from the highway and the distance to the nearest exit, it does not lend itself to be developed with highway oriented uses. The property is adjacent to property that is zoned Moderate Density Residential, and extending the General Commercial zoning to this property would allow uses that are not generally compatible with residential areas and makes it difficult to provide appropriate buffering.

Even though the applicant has outlined a proposed use for the parcel, when considering changes to the zoning, all of the potential uses and the potential impacts on adjacent properties should be considered. If for some reason the applicant is unable to develop the parcel as proposed, the property can be developed in any manner as allowed in the General Commercial District. The General Commercial District is our most intense commercial district. Uses allowed in the district tend to generate higher levels of traffic and tend to have multiple adverse impacts on nearby properties. Uses allowed in the General Commercial District include bars, restaurants, major recreational vehicle sales, service and rental, car washes, rental businesses with outdoor storage, and taxi and package delivery services.

The City Council should also give consideration to the evaluation criteria found in Section 11- 304 when making their recommendation on rezoning requests.

- Effect of public health, safety, order, convenience, and general welfare in the area.
- Effect on present and potential surrounding land uses.
- Conformance with the Comprehensive Land Use Plan.
- Conformance with any applicable development district.

Planning Commission Meeting At the Planning Commission meeting held on February 19th, no one spoke at the public hearing. The applicant explained that they are requesting zone change so that they can expand the parking lot/storage area for their new car inventory. It is their intention to combine this lot with their existing parcel. The Commission discussed the viability of a townhouse development on this site. They were concerned that no development had been proposed since the property was rezoned to Moderate Density Residential. The Commission also discussed buffering and future access on the parcel. The applicant explained that any future development would comply with the City's screening and buffering requirements and that no new access would be installed. Access to the parcel would be via the existing driveway on the adjacent lot. The Commission discussed the appropriateness of the the proposed use in light of the past struggle to get the site developed. They believed that the proposed zoning is the logical extension of the adjacent General Commercial district and would be a good fit on this parcel.

The Commission voted 4:0 to recommend approval of the proposed rezoning from Office to General Commercial.

City Council Meeting

At the City Council meeting held on March 3rd, the Council introduced the proposed ordinance without discussion.

RECOMMENDATION

In Planning Case 15-4, the Planning Commission recommended that the City Council **approve** the attached ordinance **approving** the proposed zone change from Office to General Commercial with the following findings:

1. The proposed rezoning to General Commercial is consistent with the land use designation of General Commercial.
 2. The proposed rezoning is compatible with the adjacent land uses and zoning.
 3. The proposed rezoning is the logical extension of the adjacent General Commercial district.
 4. The times and conditions have change so that a reasonable use of the property can not be made under the current zoning.
 5. The proposed zone change would not have an adverse impact on the area.
-

Attachments

Location Map

Zoning Map

Applicant's Narrative

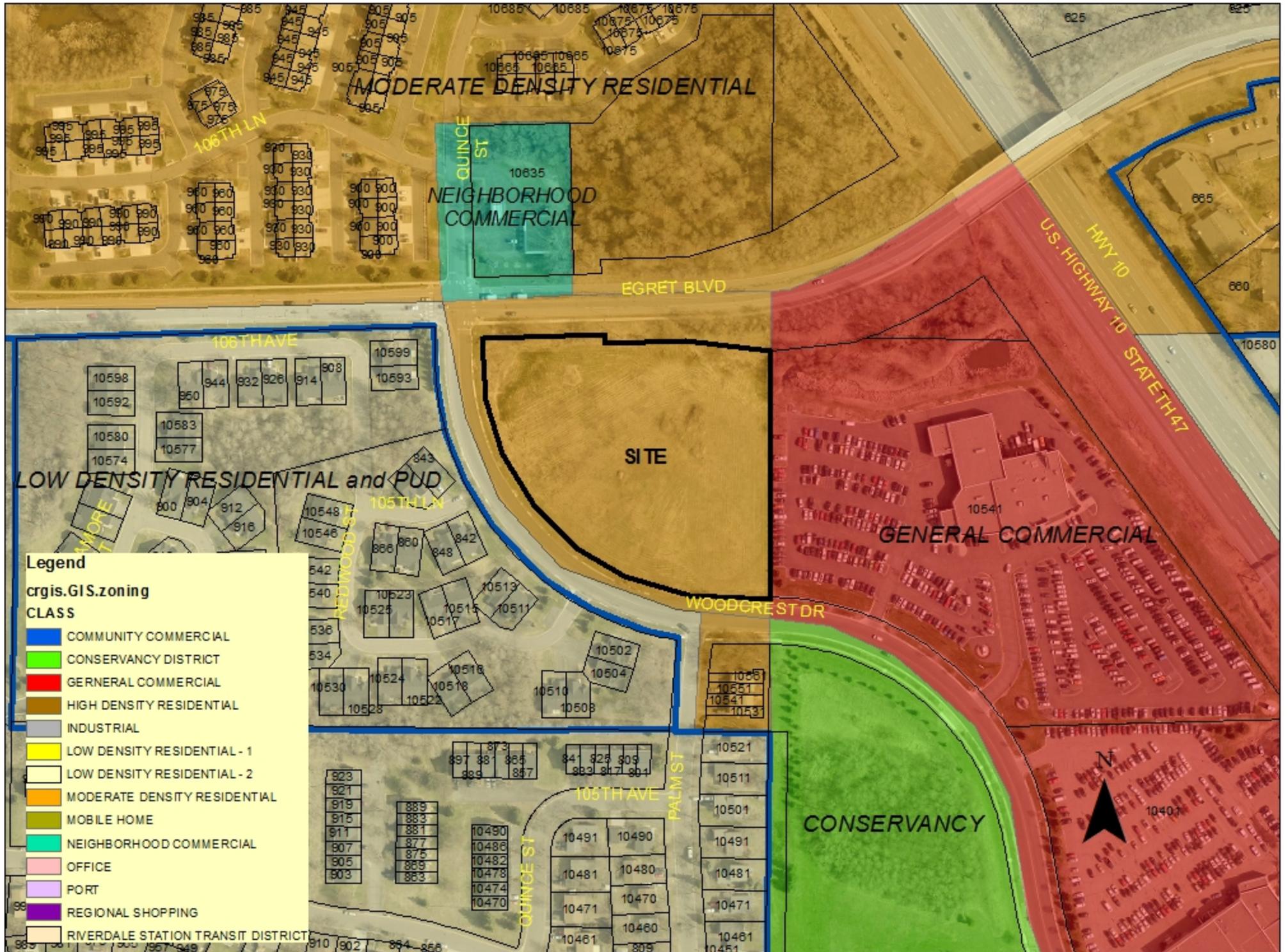
Table of Commercial Uses

Proposed Ordinance

Location Map



Zoning Map



LAND USE AND ZONE CHANGE NARRATIVE

TO: City of Coon Rapids – Department of Community Development
Attn: Scott Harlicker, Planner

FROM: TCA Real Estate, LLC (“TCA”)

DATE: January 12, 2015

RE: Lot 1, Block 3, Carla De Addition- Vacant Property at Southeast Corner of Woodcrest Drive and Egret Boulevard (“Property”)

I. **REQUEST**

We request that the City amend land use guidance for the Property and rezone the Property from Moderate Density Residential to General Commercial, contingent on our acquisition of the Property.

II. **BACKGROUND**

TCA owns the Coon Rapids Chrysler Dodge Jeep Ram dealership (“Dealership”) located east of and adjacent to the Property. We have entered into an Option Agreement to purchase the Property from Patricia Jordan. If the City of Coon Rapids rezones the Property to General Commercial, we intend to acquire the Property, combine the Property with the Dealership property and use the Property to expand our Dealership operations onto the Property and put this long-time vacant land into productive use. This expansion will improve inventory parking and exchange at the Dealership. Additionally, we anticipate that this expansion will allow us to add approximately 17 new jobs at the Dealership totaling nearly \$1,000,000 in annual employee compensation.

III. **LAND USE DESIGNATIONS AND ZONING CLASSIFICATIONS OF PROPERTY AND SURROUNDING PROPERTIES**

	<u>Existing Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Property	Vacant	Moderate Density Residential	Moderate Density Residential
North	Egret Boulevard, a convenience store and vacant land	Neighborhood Commercial / Moderate Density Residential	Neighborhood Commercial / Moderate Density Residential
South and West	Woodcrest Drive and Townhomes	Low Density Residential	Low Density Residential 1 / PUD
East (adjacent to Subject Property)	The Dealership	General Commercial	General Commercial

Source: Memorandum dated July 17, 2012, from Scott Harlicker to the City Council.

IV. **ARGUMENT FOR REZONING**

(A) Zoning History

The Property was zoned for commercial and office use for 27 years. From 1985 – 1999, the Property was zoned for commercial use, but remained undeveloped. In 1999, as part of a City Comprehensive Plan update, the City rezoned the Property to Office. However, the Property remained undeveloped. For almost 30 years, the City sought commercial development on the Property and it never occurred.

In 2011, Ms. Jordan requested that the City rezone the property to High Density Residential. At that time, Steve Thorson, representing Ms. Jordan, commented that Office zoning hampered Ms. Jordan's ability to develop the Property and that there was a "strong need for apartment development in the metro area." (Planning Commission Minutes, September 15, 2011). However, council members were concerned about high density development and neighbors were concerned about traffic impacts. Councilmember Schulte believed the site would be "more viable as a commercial property." (City Council Meeting Minutes, October 18, 2011). The City denied Ms. Jordan's request.

In 2012, Ms. Jordan returned to the City with a request to rezone the Property to Moderate Density Residential, even though Mr. Thorson had stated in 2011 that he did not see Moderate Density Residential "being viable next to the auto dealership." (City Council Meeting Minutes, October 18, 2011). Desiring to provide Ms. Jordan with what it believed would be a better opportunity to develop the Property, the City granted Ms. Jordan's request.

(B) Mistake in Original Zoning / Changed Market Conditions.

In past zoning deliberations involving the Property, the City evaluated whether there was a mistake in the original zoning or whether the character of the neighborhood changed so that a reasonable use of the subject property could not be made under the existing zoning classification. (City Council Meeting Minutes, August 8, 2012). Our analysis of these considerations follows.

1. Mistake in Original Zoning.

In 2012, the City reasoned that commercial and office zoning were inappropriate because the Property is not visible from Highway 10 and the nearest access to Highway 10 is over a mile away. Therefore, the City concluded that the Office Zoning was a mistake and that the Property was a better candidate for a use, such as residential use, that is independent of such visibility. (City Council Meeting Minutes, August 8, 2012).

Ms. Jordan wanted to build apartments on the Property, but the City did not approve High Density Residential development of the Property in 2011. At that time, Mr. Thorson was concerned that Moderate Density Residential, such as a townhome development, would not be viable on the Property. Nevertheless, in 2012, believing

Moderate Density Residential was the only zoning change she could achieve, Ms. Jordan requested, and the City approved, Moderate Density Residential zoning.

This compromise was a mistake. The townhome and condominium markets have been weak for many years and remain weak. In addition to this, as Mr. Thorson suggested, Moderate Density Residential is not viable adjacent to a car dealership. Rezoning the Property back to its originally contemplated commercial use so that we, who have the necessary Highway 10 frontage, can expand our operations, corrects that mistake.

2. Change in Market Conditions.

While the area surrounding the Property is generally residential in character, the Property is immediately adjacent to the Dealership. In 2012, Ms. Jordan believed she could develop the Property for Moderate Density Residential use. Ms. Jordan has tried to sell the Property for such development, but has been unable to do so. Current market conditions and the Property's location do not support residential development of the Property. Market conditions now support our request to productively use this long vacant land for its original purpose – commercial.

(C) City Code Section 11-304 Criteria.

When considering a rezoning request, the City considers criteria listed in Section 11-304 of the City Code. Specifically, the City considers the effect of the rezoning on public health, safety, order, convenience and general welfare in the area; effect on present and potential surrounding land uses; conformance with the Comprehensive Land Use Plan and conformance with any applicable development district.

1. Public Health / General Welfare. Our proposed rezoning will not adversely affect the public health, safety, order, convenience or general welfare of the area. We will use the Property primarily for additional vehicle parking and our proposed use will not increase traffic to the Dealership. Our proposal will likely benefit the surrounding area because the Property will permit us to more efficiently exchange inventory in a manner that improves our current system.
2. Effect on Present and Potential Land Uses. Rezoning the Property to General Commercial will not adversely impact surrounding land uses. We do not anticipate any increase in traffic from our expansion. We will merely operate the Dealership on a larger footprint. Furthermore, in 2012, the City implicitly acknowledged that General Commercial use would not detrimentally impact a nearby residential use when it rezoned the Property, which is adjacent to the Dealership, to residential use. Finally, we intend to combine the Property with the Dealership property through the City's platting process. This will provide the City and surrounding properties greater control over future independent development of the Property.

3. Conformance with the Comprehensive Land Use Plan. We are requesting a land use amendment in addition to our zone change application. If approved, the zone change will be consistent with the Comprehensive Land Use Plan. Furthermore, during the City's 2030 Visioning Process, the City identified Comprehensive Plan goals of "maintaining a diversified economic base and a climate that encourages economic development, redevelopment and ongoing business activity" and "encourag[ing] redevelopment of underutilized lands" (Comprehensive Plan, Ch. 2, Land Use, pp. 46, 50). The City hopes to accomplish these goals by promoting "the retention and expansion of existing businesses" and updating zoning regulations to allow desired uses (Comprehensive Plan, Ch. 2, Land Use, pp. 46, 50 [emphasis added]). Granting our request promotes these goals.
4. Conformance with any Applicable Development District. No district plan applies to our knowledge.

(D) Potential City Concerns.

1. Traffic. We do not anticipate an increase in traffic to the area.
2. Aesthetics. We will respect existing wetlands on the Property and will screen the Property as required by the City Code.
3. Noise / Lighting. The Dealership currently complies with City noise and lighting requirements and will continue to do so.
4. Future Independent Development. We will combine the Property with the Dealership property so that they are one parcel going forward, giving the City more control over future development of the Property.

V. **CONCLUSION**

We request that the City approve our application for a Comprehensive Plan Amendment and rezoning of the Property from Moderate Density Residential to General Commercial for the following reasons:

- General Commercial zoning is consistent with the zoning of the adjacent Dealership property with which the Property will be combined and promotes the City's stated goals of promoting and expanding existing Coon Rapids businesses.
- The City sought commercial development of the Property for nearly 30 years and mistakenly agreed to a compromise zone. There is now an opportunity to develop the Property for commercial uses.
- We do not anticipate any detrimental impact on the surrounding neighborhood and believe that the expansion will permit us to exchange vehicle inventory in a manner that will benefit the surrounding neighborhood as an improvement to our current system.

- The Dealership has been a long-term Coon Rapids business. Rezoning the Property will permit us to grow our business in Coon Rapids and add well paying jobs to the City.

Thank you for your consideration of our request.

Uses.

PRINCIPAL USES						
COMMERCIAL USES						
Retail Sales and Service	O	NC	CC	GC	RS	
General retail sales	NP	NP	P	P	P	
General retail sales less than 15,000 square feet total building size	P	P	P	P	P	
Art gallery or studio	NP	P	P	P	P	
Bank or financial institution	P	NP	P	P	P	
Building material sales or lumber yard	NP	NP	P	P	NP	
Child care center, state licensed	P	P	P	P	P	
Commercial self storage with no outdoor storage	NP	NP	NP	C	NP	
Contractors office	NP	NP	NP	P	NP	
Dry cleaning establishment	NP	NP	NP	C	NP	
Farmers market	NP	P	P	P	NP	
Firearms dealer	NP	NP	P	P	P	
Funeral home	C	NP	P	P	NP	
Greenhouse, lawn and garden supply store	NP	NP	P	P	NP	
Laundry, self service	NP	P	P	P	NP	
No adult oriented business, as defined by Section 5-2202 , is permitted, except adult book stores, adult cabarets, adult conversation parlors, adult motion picture theaters, and adult novelty businesses, subject to regulation under Chapter 5-2200 and Section 11-1208, or state or federal law.	NP	NP	NP	P	NP	
Non-on-premises consumption adult bookstores and adult novelty stores, as defined by Revised City Code 1982 Section 5-2202 , subject to regulation under Revised City Code 1982 Chapter 5-2200 and Section 11-1208	NP	NP	P	NP	NP	
Pawnbroker	NP	NP	P	P	NP	
Performing, visual or martial arts school	NP	NP	P	P	NP	
Personal service establishment	P	P	P	P	P	
Pet grooming shops, provided no animal is kept overnight or outside and no noise is audible outside of the building or bay occupied by the grooming shop	NP	P	P	P	P	
Pet store	NP	P	P	P	P	
Photocopying, duplicating services	P	P	P	P	NP	
Precious Metal Dealers defined and regulated by Title 5	NP	P	P	P	P	
Printing and publishing	NP	NP	C	C	NP	
Rental business - no outdoor storage	NP	NP	P	P	NP	
Rental business - with outdoor storage	NP	NP	NP	C	NP	
Secondhand Dealers or Antique Dealers defined and regulated by Title 5	NP	P	P	P	P	
Self storage facility with no outdoor storage	NP	NP	NP	C	NP	
Service Business	P	P	P	P	NP	
Transient Merchants, Solicitors, and Canvassers, defined and regulated by Title 5	NP	P	P	P	NP	
Veterinary clinic, animal hospital, kennel - no outdoor runs	P	NP	P	P	NP	
Video store	P	P	P	P	P	
Automobile Services	O	NC	CC	GC	RS	
Automobile rental facility	NP	NP	C	C	NP	
Automobile repair, major	NP	NP	NP	C	NP	
Automobile repair, minor	NP	NP	P	P	NP	
Automobile sales provided that:	NP	NP	C	P	NP	
(a) Must have minimum of 40,000 square foot building;						
(b) Indoor display area, and						
(c) The building meets the development guidelines found in subsection 11-701.2.						
Car wash	NP	NP	P	P	NP	
Convenience store	NP	NP	P	P	NP	
Convenience store provided that:	NP	C	P	P	NP	
(a) The fuel sales are incidental to a retail store;						
(b) No separate building, structure, or store is used as part of the fuel sales;						
(c) No more than four dispensing hoses may be operable simultaneously per neighborhood shopping center, and						
(d) The fuel sales shall be accessible from off the parcel of property on which it is located by way of at least two in and out vehicular accesses.						
Major recreational equipment sales, service and rental	NP	NP	NP	P	NP	
Food and Beverage	O	NC	CC	GC	RS	
Catering	NP	P	P	P	NP	
Coffee shop	P	P	P	P	P	
Liquor, off sale	NP	NP	P	P	P	
Restaurant, delicatessen	P	P	P	P	P	
Restaurant, fast food	NP	NP	P	P	P	
Restaurant, sit down including the serving of alcohol beverages provided they occupy no more than 25 percent of a building and have no drive up facility	P	P	P	P	P	
Restaurant, sit down including the serving of alcohol beverages	C	C	P	P	P	
Tavern or bars	NP	NP	P	P	NP	
Commercial Recreation, Entertainment and Lodging	O	NC	CC	GC	RS	
Amusement centers	NP	NP	NP	P	NP	
Hotel	NP	NP	P	P	P	
Indoor recreation	NP	NP	P	P	NP	
Outdoor recreation	NP	NP	C	C	NP	
Physical fitness center	NP	NP	P	P	P	
Physical fitness center 3,000 square feet floor area or less	NP	P	P	P	P	
Radio or television station	NP	NP	P	P	NP	
Reception or meeting hall	NP	C	P	P	NP	
Theater	NP	NP	P	P	NP	
Office and Medical Facilities	O	NC	CC	GC	RS	
Blood/ plasma collection facility	NP	NP	NP	P	NP	
Clinic, medical or dental	P	NP	P	P	P	
Clinic, medical or dental less than 15,000 square feet total building size	P	P	P	P	P	
General Office	P	NP	P	P	P	
General Office less than 15,000 square feet total building size	P	P	P	P	P	
Hospital	NP	NP	C	C	NP	
Laboratory, medical or dental	P	NP	P	P	NP	
Transportation	O	NC	CC	GC	RS	
Ambulance service	NP	NP	NP	C	NP	
Limousine service	NP	NP	NP	C	NP	

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 15-4)**

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 Office to General Commercial:

Lot 1, Block 3, Carla de Addition

Introduced the 3rd day of March, 2015

Adopted on the ____ day of March, 2015

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

18.

Meeting Date: 03/17/2015

Subject: Consider Adoption of Ordinance 2134 Establishing Fee for Temporary On Sale Intoxicating Liquor (Strong Beer and Wine)License

Submitted For: Stephanie Lincoln, Deputy City Clerk

From: Stephanie Lincoln, Deputy City Clerk

INTRODUCTION

Council is asked to adopt Ordinance 2134 Establishing License Fee for Temporary On Sale Intoxicating Liquor License for strong beer and wine.

DISCUSSION

On March 3, 2015, an Ordinance Revising Temporary On-Sale Intoxicating Liquor Licenses to allow the sale of strong beer and wine was adopted. It is necessary at this time to establish a license fee with this new license. The proposed license fee of \$35 is in line with the current license fee of \$35 for the Temporary On-Sale 3.2% Malt Liquor License and the Temporary Wine Tasting License.

RECOMMENDATION

Adopt Ordinance 2134 Establishing the License Fee for Temporary On Sale Intoxicating Liquor License for strong beer and wine.

Attachments

Temp On Sale Strong Beer and Wine Fee Schedule Ordinance

ORDINANCE NO. 2134

**AN ORDINANCE ESTABLISHING LICENSE FEE FOR TEMPORARY ON SALE
INTOXICATING LIQUOR LICENSE**

The City of Coon Rapids does ordain:

Section 1. The City Council for the City of Coon Rapids establishes a license fee for temporary on sale intoxicating liquor license of \$35.

Introduced this 3rd day of March, 2015.

Adopted this 17th day of March, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

19.

Meeting Date: 03/17/2015

Subject: Consider Sale of \$10,000,000 General Obligation Bonds, Series 2015A.

Submitted For: Sharon Legg, Finance Director

From: Sharon Legg, Finance Director

INTRODUCTION

Staff recommends that three bond issues be sold.

DISCUSSION

Three bond issues are being proposed to be sold are as follows:

G.O. Improvement Bonds in the amount of \$3,300,000. This will finance the City share as well as the assessments for the following projects:

City Project 15-1 2015 Street Reconstruction various areas of the City

City Project 15-2 2015 Street MSA Reconstruction

City Project 15-3 2015 Street Reconstruction various areas of the City

Since the above projects will also replace water mains in the project areas, Water Revenue Bonds in the amount of \$1,700,000 are also included. Both of the issues will be repaid over ten years. A tax levy to pay the City share of the improvement bonds will be included in taxes payable for 2016.

Additionally, staff is recommending the sale of the first \$5,000,000 of the Park Bonds as a result of the referendum passing in 2013. This will pay for the renovation of Riverview in the amount of \$1,800,000 and get the City started on the Sand Creek Park Project.

Bids were received on March 17 and the results thereof will be presented at the Council meeting.

RECOMMENDATION

Staff recommends authorization of Resolution 15-55 Awarding the Sale of \$10,000,000 General Obligation Bonds, Series 2015A fixing their Form and Specifications; Directing their Execution and Delivery; and Providing for their Payment.

Attachments

RS 15-55

RESOLUTION 15-55

RESOLUTION AWARDING THE SALE OF \$10,000,000 GENERAL OBLIGATION BONDS, SERIES 2015A FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT

BE IT RESOLVED By the City Council of the City of Coon Rapids, Anoka County, Minnesota (the "City") in regular meeting assembled as follows:

Section 1. Background.

(a) The City is authorized by Minnesota Statutes, Chapters 429 (the "Improvement Act") to provide financing for various public street improvements in the City (the "Improvements").

(b) The City is authorized by Minnesota Statutes, Section 444.075 and Minnesota Statutes, Chapter 475, as amended (the "Utility Act"), to finance all or a portion of the cost of certain improvements to the water system of the City (the "Water Improvements") by the issuance of general obligation bonds of the City payable from the net revenues of the water utility system of the City.

(c) This City at a duly called and regularly held general election on November 5, 2013, the voters of the City approved the issuance and sale by the City of general obligation bonds of the City in the maximum principal amount of \$17,400,000 pursuant to Minnesota Statutes, Chapter 475 (the "Act") for the purpose of the renovation, acquisition, betterment and improvements of parks, open space and trail system infrastructure in the City (the "Park Improvements"), a portion of which will be financed with the proceeds of the Bonds and a portion of which will be financed at a later date.

Section 2. Sale of Bonds.

2.01 Authorization. It is hereby determined that it is necessary to provide financing for the Improvements, the Water Improvements and the Park Improvements and to finance those improvements through the issuance of the City's \$10,000,000 General Obligation Bonds, Series 2015A (the "Bonds"). The City is authorized by Minnesota Statutes, Section 475.60, Subdivision 2(9) to negotiate the sale of the Bonds if the City has retained an independent financial advisor in connection with such sale. The City has retained Ehlers and Associates, Inc. as an independent financial consultant in connection with the sale of the Bonds.

2.02. Acceptance of Offer. The proposal of _____ (the "Purchaser") to purchase the Bonds described in the Terms of Proposal is hereby found and determined to be a reasonable offer and is hereby accepted. The proposals are summarized on

Exhibit A attached hereto. The successful proposal being to purchase the Bonds at a price of \$_____, for Bonds bearing interest as follows:

<u>Year of Maturity</u>	<u>Interest Rate</u>	<u>Year of Maturity</u>	<u>Interest Rate</u>
2016	%	2024	%
2017		2025	
2018		2026	
2019		2027	
2020		2028	
2021		2029	
2022		2030	
2023			

2.03. Purchase Contract. Any original issue premium and any rounding amount shall be credited to the Debt Service Fund hereinafter created, or deposited in the Construction Fund under Section 4.01 hereof, as determined by the City’s municipal advisor and the City Finance Director. The City Finance Director is directed to retain the good faith check of the Purchaser, pending completion of the sale of the Bonds, and to return the good faith checks of the unsuccessful proposers. The Mayor and City Manager are authorized to execute a contract with the Purchaser on behalf of the City.

2.04. Terms of Bonds. The City will forthwith issue and sell the Bonds pursuant to Minnesota Statutes, Chapters 429, 444 and 475 (together, the “Act”), in the total principal amount of \$10,000,000, originally dated as of April 15, 2015, the Bonds being in fully registered form and issued in the denomination of \$5,000 or any integral multiple thereof, numbered No. R-1 and upward, bearing interest as above set forth, and maturing on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2016	\$315,000	2024	\$855,000
2017	770,000	2025	870,000
2018	775,000	2026	895,000
2019	785,000	2027	355,000
2020	795,000	2028	365,000
2021	805,000	2029	375,000
2022	820,000	2030	385,000
2023	835,000		

\$3,300,000 of the Bonds (the “Improvement Bonds”) maturing in the amounts and on the dates set forth below are being issued to finance the cost of the Improvements:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2017	\$310,000	2022	\$330,000
2018	310,000	2023	335,000
2019	315,000	2024	345,000
2020	320,000	2025	350,000
2021	325,000	2026	360,000

\$1,700,000 of the Bonds (the “Water Improvement Bonds”) maturing in the amounts and on the dates set forth below are being issued to finance the cost of the Water Improvements:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2017	\$160,000	2022	\$170,000
2018	160,000	2023	175,000
2019	165,000	2024	175,000
2020	165,000	2025	180,000
2021	165,000	2026	185,000

\$5,000,000 of the Bonds (the “Park Improvement Bonds”) maturing in the amounts and on the dates set forth below are being issued to finance the cost of the Park Improvements:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2016	\$315,000	2024	\$335,000
2017	300,000	2025	340,000
2018	305,000	2026	350,000
2019	305,000	2027	355,000
2020	310,000	2028	365,000
2021	315,000	2029	375,000
2022	320,000	2030	385,000
2023	325,000		

2.05. Optional Redemption. The City may elect on February 1, 2024, and on any day thereafter to prepay Bonds maturing on or after February 1, 2025. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC (as defined in Section 7 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant’s interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

Section 3. Form; Registration.

3.01. Registered Form. The Bonds will be issuable only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof will be payable by check or draft issued by the Registrar described herein.

3.02. Dates; Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds will be payable on February 1 and August 1 in each year, commencing February 1, 2016, to the registered owners of record as of the close of business on the 15th day of the immediately preceding month, whether or not that day is a business day.

3.03. Registration. The City will appoint a bond registrar, transfer agent, authenticating agent and paying agent (the "Registrar"). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar will keep at its principal corporate trust office a bond register in which the Registrar will provide for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Bonds. Whenever any Bonds are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner's attorney in writing.

(d) Cancellation. All Bonds surrendered upon a transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for

the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the bond register as the absolute owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Bond and for all other purposes, and all such payments so made to any such registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums to be paid.

(g) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for every transfer or exchange of Bonds, sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond will become mutilated or be destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any such Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that such Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar will be named as obligees. All Bonds so surrendered to the Registrar will be cancelled by it and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost bond has already matured or been called for redemption in accordance with its terms it will not be necessary to issue a new Bond prior to payment.

3.04. Appointment of Initial Registrar. The City appoints the City Finance Director, Coon Rapids, Minnesota, as the initial Registrar.

3.05. Execution, Authentication and Delivery. The Bonds will be prepared under the direction of the City Finance Director and will be executed on behalf of the City by the signatures of the Mayor and the City Manager, provided that all signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds will cease to be such officer before the delivery of any Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, no Bond will be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on a Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on each Bond will be conclusive evidence that it has been

authenticated and delivered under this Resolution. When the Bonds have been so prepared, executed and authenticated, the City Finance Director will deliver the same to the Purchaser thereof upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser will not be obligated to see to the application of the purchase price.

3.06. Temporary Bonds. The City may elect to deliver in lieu of printed definitive Bonds one or more typewritten temporary Bonds in substantially the form set forth in Section 3 with such changes as may be necessary to reflect more than one maturity in a single temporary bond. Upon the execution and delivery of definitive Bonds the temporary Bonds will be exchanged therefor and cancelled.

3.07. Form of Bonds. The Bonds will be printed or typewritten in substantially the form attached hereto as Exhibit B.

3.08. Approving Legal Opinion. The City Finance Director will obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, which will be complete except as to dating thereof and will cause the opinion to be printed on or accompany each Bond.

Section 4. Funds and Accounts; Security; Payment.

4.01. Debt Service Fund. The Bonds will be payable from the General Obligation Bonds, Series 2015A Debt Service Fund (the "Debt Service Fund") hereby created. The Debt Service Fund shall be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The City will maintain the following accounts in the Debt Service Fund: the "Assessable Improvements Account," the "Water Improvements Account" and the "Park Improvements Account." Amounts in the Assessable Improvements Account are irrevocably pledged to the Improvement Bonds, amounts in the Water Improvements Account are irrevocably pledged to the Water Improvement Bonds and amounts in the Park Improvements Account are irrevocably pledged to the Park Improvement Bonds.

(a) Assessable Improvements Account. The Finance Director shall timely deposit in the Assessable Improvements Account of the Debt Service Fund hereby created, general taxes hereafter levied (the "Taxes") and the special assessments levied against the property specially benefited by the Improvements (the "Assessments") and allocated to the payment of debt service on the Improvement Bonds, which are pledged to the Assessable Improvements Account. There is also appropriated to the Assessable Improvements Account a pro rata portion of any original issue premium and any rounding amount, to the extent designated for deposit in the Debt Service Fund in accordance with Section 2.03 hereof.

(b) Water Improvements Account. The City will continue to maintain and operate its water utility fund, to which will be credited all gross revenues of the water utility system (the "Water System"), and out of which will be paid all normal and

reasonable expenses of current operations of such system. Any balances therein are deemed net revenues (the "Net Revenues") and will be transferred, from time to time, to the Water Improvement Account of the Debt Service Fund, which Water Improvements Account will be used only to pay principal of and interest on the Water Improvement Bonds, and any other bonds similarly authorized. There will always be retained in the Water Improvements Account a sufficient amount to pay principal of and interest on all of the Water Improvement Bonds, and the Finance Director must report any current or anticipated deficiency in the Water Improvements Account to the City Council. If a payment of principal or interest on the Water Improvement Bonds becomes due when there is not sufficient money in the Water Improvements Account in the Debt Service Fund to pay the same, the City Finance Director is directed to pay such principal or interest from the general fund of the City, and the general fund will be reimbursed for the advances out of the proceeds of Net Revenues and taxes when collected. There is also appropriated to the Water Improvements Account a pro rata portion of any original issue premium and any rounding amount, to the extent designated for deposit in the Debt Service Fund in accordance with Section 2.03 hereof and any collections of taxes hereafter levied for the payment of the Water Improvement Bonds and interest thereon.

(c) Park Improvements Account. The Finance Director shall timely deposit in the Park Improvements Account of the Debt Service Fund hereby created, general Taxes hereinafter levied and allocated to the payment of debt service on the Park Improvement Bonds, which are pledged to the Park Improvements Account. There is also appropriated to the Park Improvements Account a pro rata portion of any original issue premium and any rounding amount, to the extent designated for deposit in the Debt Service Fund in accordance with Section 2.03 hereof.

4.02. Construction Fund. The City hereby creates the General Obligation Bonds, Series 2015A Construction Fund (the "Construction Fund") to be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The City will maintain the following accounts in the Construction Fund: the "Assessable Improvements Account," the "Water Improvements Account" and the "Park Improvements Account." Amounts in the Assessable Improvements Account will be used to construct the Improvements, amounts in the Water Improvements Account will be used to construct the Water Improvements and amounts in the Park Improvements Account will be used to construct the Park Improvements.

(a) Assessable Improvements Account. Proceeds of the Improvement Bonds, less the appropriations made in Section 4.01(a) hereof, together with any other funds appropriated for the Improvements and the Assessments and Taxes collected during the construction of the Assessable Improvements, will be deposited in the Assessable Improvements Account of the Construction Fund to be used solely to defray expenses of the Improvements and the payment of principal of and interest on the Improvement Bonds prior to the completion and payment of all costs of the Improvements. Any balance remaining in the Assessable Improvements Account after completion of the Improvements may be used to pay the cost in whole or in part of any other improvement instituted under the Improvement Act, under the direction of the City Council. When the

Improvements are completed and the cost thereof paid, the Assessable Improvements Account of the Construction Fund is to be closed and any subsequent collections of Assessments for the Improvements are to be deposited in the Assessable Improvements Account of the Debt Service Fund.

(b) Water Improvements Account. Proceeds of the Water Improvement Bonds, less the appropriations made in Section 4.01(b) hereof, will be deposited in the Water Improvements Account of the Construction Fund to be used solely to defray expenses of the Water Improvements. When the Water Improvements are completed and the cost thereof paid, the Water Improvements Account of the Construction Fund is to be closed and any funds remaining may be deposited in the Water Improvements Account of the Debt Service Fund.

(c) Park Improvements Account. Proceeds of the Park Improvement Bonds, less the appropriations made in Section 4.01(c) hereof, together with any other funds appropriated for the Park Improvements, will be deposited in the Park Improvements Account of the Construction Fund to be used solely to defray expenses of the Park Improvements and the payment of principal of and interest on the Park Improvement Bonds prior to the completion and payment of all costs of the Park Improvements. Any balance remaining in the Park Improvements Account after completion of the Park Improvements may be used for any other public use authorized by law or credited to the Park Improvements Account of the Debt Service Fund or other City debt service funds, all in accordance with Section 475.65 of the Act.

4.03. Tax Levy.

(a) For the purpose of paying the principal of and interest on the Improvement Bonds, there is hereby levied a direct annual irrepealable ad valorem tax upon all of the taxable property in the City, which will be spread upon the tax rolls and collected with and as part of other general taxes of the City. Such tax will be credited to the Assessable Improvements Account of the Debt Service Fund above provided and will be in the years and amounts as follows (year stated being year of levy for collection the following year):

<u>Year</u>	<u>Levy</u>
-------------	-------------

(See Exhibit C)

The tax levy herein provided will be irrepealable until all of the Improvement Bonds are paid, provided that the City Clerk may annually, at the time the City makes its tax levies, certify to the County Auditor the amount available in the Assessable Improvements Account of the Debt Service Fund to pay principal and interest due during the ensuing year on the Improvement Bonds, and the County Auditor will thereupon reduce the levy collectible during such year by the amount so certified.

(b) For the purpose of paying the principal of and interest on the Park Improvement Bonds, there is hereby levied a direct annual irrepealable ad valorem tax

4.05 City Covenants with Respect to the Water Improvement Bonds. The City Council covenants and agrees with the holders of the Bonds that so long as any of the Water Improvement Bonds remain outstanding and unpaid, it will keep and enforce the following covenants and agreements:

(a) The City will continue to maintain and efficiently operate the Water System as a public utility and conveniences free from competition of other like municipal utilities and will cause all revenues therefrom to be deposited in bank accounts and credited to the accounts of the Water System as hereinabove provided, and will make no expenditures from those accounts except for a duly authorized purpose and in accordance with this resolution.

(b) The City will also maintain the Debt Service Fund as a separate account in the Water Improvements Account and will cause money to be credited thereto from time to time, out of net revenues from the Water System in sums sufficient to pay principal of and interest on the Water Improvements Bonds when due.

(c) The City will keep and maintain proper and adequate books of records and accounts separate from all other records of the City in which will be complete and correct entries as to all transactions relating to the Water System and which will be open to inspection and copying by any bondholder, or the bondholder's agent or attorney, at any reasonable time, and it will furnish certified transcripts therefrom upon request and upon payment of a reasonable fee therefor, and said account will be audited at least annually by a qualified public accountant and statements of such audit and report will be furnished to all bondholders upon request.

(d) The City Council will cause persons handling revenues of the Water System to be bonded in reasonable amounts for the protection of the City and the bondholders and will cause the funds collected on account of the operations of the Water System to be deposited in a bank whose deposits are guaranteed under the Federal Deposit Insurance Law.

(e) The Council will keep the Water System insured at all times against loss by fire, tornado and other risks customarily insured against with an insurer or insurers in good standing, in such amounts as are customary for like plants, to protect the holders, from time to time, of the Water Improvement Bonds and the City from any loss due to any such casualty and will apply the proceeds of such insurance to make good any such loss.

(f) The City and each and all of its officers will punctually perform all duties with reference to the Water System as required by law.

(g) The City will impose and collect charges of the nature authorized by Minnesota Statutes, Section 444.075 at the times and in the amounts required to produce net revenues adequate to pay all principal and interest when due on the Water

Improvement Bonds and to create and maintain such reserves securing said payments as may be provided in this resolution.

(h) The City Council will levy general ad valorem taxes on all taxable property in the City, when required to meet any deficiency in pledged net revenues.

(i) The City hereby determines that the estimated collection of net revenues herein pledged for the payment of principal and interest on the Water Improvement Bonds will produce at least 5% in excess of the amount needed to meet, when due, the principal and interest payments on such portion of the Bonds.

4.06 Registration of Resolution. The City Clerk is directed to file a certified copy of this resolution with the Auditor of Anoka County and to obtain the certificate required by Section 475.63 of the Act.

4.07. Debt Service Coverage. It is hereby determined that the estimated collection of the foregoing Taxes and Assessments will produce at least 5% in excess of the amount needed to pay when due, the principal and interest payments on the Improvement Bonds; the Net Revenues herein pledged will produce at least 5% in excess of the amount needed to pay when due the principal and interest payments on the Water Improvement Bonds and that the estimated collection of Taxes will produce at least 5% in excess of the amount needed to pay when due the principal and interest payments on the Park Improvement Bonds.

4.08. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City will be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency will be promptly paid out of monies in the general fund of the City which are available for such purpose, and such general fund may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.

Section 5. Authentication of Transcript.

5.01. City Proceedings and Records. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the bonds, certified copies of proceedings and records of the City relating to the bonds and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds and such instruments, including any heretofore furnished, will be deemed representations of the City as to the facts stated therein.

5.02. Certification as to Official Statement. The Mayor, City Manager and Finance Director are hereby authorized and directed to certify that they have examined the Official Statement, prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is, as of the date thereof, a

complete and accurate representation of the facts and representations made therein as it relates to the City.

Section 6. Tax Covenant.

6.01. Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees, or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the “Code”), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Bonds. To that end, the City will comply with all requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Bonds.

6.02. Rebate. The City will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bond under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Bonds, and the rebate of excess investment earnings to the United States.

6.03. Not Private Activity Bonds. The City further covenants not to use the proceeds of the bonds or to cause or permit them or any of them to be used, in such a manner as to cause the Bonds to be “private activity bonds” within the meaning of Sections 103 and 141 through 150 of the Code.

6.04. Qualified Tax-Exempt Obligations. In order to qualify the Bonds as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code, the City makes the following factual statements and representations:

(a) the Bonds are not “private activity bonds” as defined in Section 141 of the Code;

(b) the City hereby designates the Bonds as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code;

(c) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, that are not qualified 501(c)(3) bonds) which will be issued by the City (and all subordinate entities of the City) during calendar year 2015 will not exceed \$10,000,000; and

(d) not more than \$10,000,000 of obligations issued by the City during calendar year 2015 have been designated for purposes of Section 265(b)(3) of the Code.

6.05. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

Section 7. Book-Entry System; Limited Obligation of City.

7.01. DTC. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 1.03 hereof. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Bond Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns (DTC). Except as provided in this section, all of the outstanding Bonds will be registered in the registration books kept by the Bond Registrar in the name of Cede & Co., as nominee of DTC.

7.02. Participants. With respect to Bonds registered in the registration books kept by the Bond Registrar in the name of Cede & Co., as nominee of DTC, the City, the Bond Registrar and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository (Participants) or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Bond Registrar,) of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City, the Bond Registrar and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Bond Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal, premium and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bonds, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Bond Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Bond Registrar, will receive a certificated Bond evidencing the obligation of this resolution. Upon delivery by DTC to the City Manager of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co.," will refer to such new nominee of DTC; and upon receipt of such a notice, the City Manager will promptly deliver a copy of the same to the Bond Registrar and Paying Agent.

7.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (Representation Letter) which shall govern payment of principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Bond Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action necessary for all representations of the City in the Representation letter with respect to the Bond Registrar and Paying Agent, respectively, to be complied with at all times.

7.04. Transfers Outside Book-Entry System. In the event the City, by resolution of the City Council, determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the City will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this Resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Bond Registrar will authenticate Bond certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

7.05. Payments to Cede & Co. Notwithstanding any other provision of this Resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bond and all notices with respect to the Bond will be made and given, respectively in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

Section 8. Continuing Disclosure.

8.01. City Compliance with Provisions of Continuing Disclosure Certificate. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate is not to be considered an event of default with respect to the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this section.

8.02. Execution of Continuing Disclosure Certificate. "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Mayor and City Manager and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

Section 9. Defeasance. When all Bonds (or all of either the Improvement Bonds or Water Improvement Bonds portion thereof) have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution (with respect to the Improvement Bonds or Water Improvement Bonds portion of the Bonds, as the case may be) to holders of the Bonds will cease, except that the pledge of the full faith and credit of the City for the prompt and

full payment of the principal of and interest on the Bonds will remain in full force and effect. The City may discharge all Bonds (or all of either the Improvement Bonds or Water Improvement Bonds or Park Improvements Bonds portion thereof) which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full. If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

Adopted by the Coon Rapids City Council this 17th day of March, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk

STATE OF MINNESOTA)
)
COUNTY OF ANOKA) SS.
)
CITY OF COON RAPIDS)

I, the undersigned, being the duly qualified and acting City Clerk of the City of Coon Rapids, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City Council held on Tuesday, March 17, 2015, with the original thereof on file in my office and I further certify that the same is a full, true and complete transcript therefrom insofar as the same relates to the issuance and sale of the City's \$10,000,000 General Obligation Bonds, Series 2015A.

WITNESS My hand as City Clerk and the corporate seal of the City this _____ day of _____, 2015.

City Clerk
City of Coon Rapids, Minnesota

EXHIBIT A
BIDS RECEIVED

EXHIBIT B

FORM OF SERIES 2015A BOND

No. R-_____ UNITED STATES OF AMERICA \$_____
STATE OF MINNESOTA
COUNTY OF ANOKA
CITY OF COON RAPIDS

GENERAL OBLIGATION BOND
SERIES 2015A

<u>Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	February 1, 20_____	April 15, 2015	

Registered Owner: Cede & Co.

The City of Coon Rapids, Minnesota, a duly organized and existing municipal corporation in Anoka County, Minnesota (the "City"), acknowledges itself to be indebted and for value received hereby promises to pay to the registered owner specified above or registered assigns, the Principal Amount specified above on the Maturity Date specified above, with interest thereon from the date hereof at the annual rate specified above (calculated on the basis of a 360 day year of twelve 30 day months), payable February 1 and August 1 in each year, commencing February 1, 2016, to the person in whose name this Bond is registered at the close of business on the 15th day (whether or not a business day) of the immediately preceding month. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by City Finance Director, Coon Rapids, Minnesota, as Registrar, Authenticating Agent and Paying Agent, or its designated successor under the Resolution described herein. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

This Bond is one of an issue in the aggregate principal amount of \$10,000,000, all of like original date and tenor, except as to number, maturity date, and interest rate, issued pursuant to a resolution adopted by the City Council on March 17, 2015 (the "Resolution"), for the purpose of providing monies in part for various public improvements, various water utility improvements and the renovation, acquisition, betterment and improvements of parks, open spaces, and trail system infrastructure and pursuant to and in full conformity with its home rule charter and the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Chapters 429, 444 and 475. The principal hereof and interest hereon are payable from special assessments against property specially benefited by local improvements, net revenues of the water and storm sewer systems and from ad valorem taxes, as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred. The full faith and credit of the

City are irrevocably pledged for payment of this Bond and the City Council has obligated itself to levy additional ad valorem taxes on all taxable property in the City in the event of any deficiency in special assessments, net revenues and taxes pledged, which additional taxes may be levied without limitation as to rate or amount. The Bonds of this series are issued only as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof of single maturities.

The City may elect on February 1, 2024, and on any date thereafter to prepay Bonds maturing on or after February 1, 2025. Redemption may be in whole or in part and if in part, at the option of the City and in such order as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify The Depository Trust Company (“DTC”) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant’s interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by the owner’s attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the owner’s attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental change required to be paid with respect to such transfer or exchange.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar will be affected by any notice to the contrary.

The City has designated the Bonds as “qualified tax-exempt obligations” pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

It is hereby certified and recited that in and by the Resolution, the City has covenanted and agreed that it will continue to own and operate the water system free from competition by other like municipal utilities; that adequate insurance on said system and suitable fidelity bonds on employees will be carried; that proper adequate books of account will be kept showing all receipts and disbursements relating to the water utility fund, into which it will pay all of the gross revenues from the water system; that it will also create and maintain a Water Improvements Account within the General Obligation Bonds, Series 2015A Debt Service Fund, into which it will pay, out of the net revenues from the water system a sum sufficient to pay principal of the Water Improvement Bonds (as defined in the Resolution) and interest on the Water Improvement Bonds when due; and that it will provide, by ad valorem tax levies, for any deficiency in required net revenues of the water system.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed preliminary to and in the issuance of this bond have been done, have happened and have been performed in regular and due form, time and manner, that prior to the issuance of this bond the City Council of the City has provided funds for the payment of principal and interest on the bonds of this issue as the same become due, but the full faith and credit of the City is pledged for their payment and additional taxes will be levied, if required for such purpose, without limitation as to the rate of amount; and that this bond, together with all other indebtedness of the City outstanding on the date of its issuance, does not exceed any constitutional or statutory limitation thereon.

This Bond is not valid or obligatory for any purpose or entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon will have been executed by the Bond Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Coon Rapids, Anoka County, Minnesota, by its City Council, has caused this Bond to be executed on its behalf by the facsimile or manual signatures of the Mayor and City Manager and has caused this Bond to be dated as of the date set forth below.

Dated: _____, 2015

CITY OF COON RAPIDS, MINNESOTA

City Manager

Mayor

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

CITY OF COON RAPIDS, MINNESOTA

By _____
Finance Director

ABBREVIATIONS

The following abbreviations, when used in the inscription of the face of this Bond, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common	UNIF GIFT MINN ACT _____ Custodian _____ (Cust) (Minor)
TEN ENT -- as tenants by entirities	under Uniform Gift or Transfer to Minors
JT TEN -- as joint tenants with right of survivorship and not as tenants in common	Act..... (State)

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premise.

Dated: _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the Securities Transfer Agent Medallion Program (“STAMP”), the Stock Exchange Medallion Program (“SEMP”), the New York Stock Exchange, Inc. Medallion Signatures Program (“MSP”) or other such “signature guarantee program” as may be determined by the Registrar in addition to, or in substitution for, STAMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934, as amended.

The Bond Registrar will not effect transfer of this Bond unless the information concerning the assignee requested below is provided.

Name and Address: _____

(Include information for all joint owners
if the Bond is held by joint account)

Please insert social security or
other identifying number of assignee

PROVISIONS AS TO REGISTRATION

The ownership of the principal of and interest on the within Bond has been registered on the books of the Registrar in the name of the person last noted below.

<u>Date of Registration</u>	<u>Registered Owner</u>	<u>Signature of Registrar</u>
_____, 2015	Cede & Co. Federal ID #13-2555119	_____

EXHIBIT C

IMPROVEMENT BONDS TAX LEVY

<u>Collection Year</u>	<u>Levy Amount</u>
2016	\$
2017	
2018	
2019	
2020	
2021	
2022	
2023	
2024	
2025	
2026	

EXHIBIT D

PARK IMPROVEMENT BONDS TAX LEVY

<u>Collection Year</u>	<u>Levy Amount</u>
2015	
2016	\$
2017	
2018	
2019	
2020	
2021	
2022	
2023	
2024	
2025	
2026	
2027	
2028	
2029	

STATE OF MINNESOTA
COUNTY OF ANOKA

COUNTY AUDITOR'S
CERTIFICATE AS TO
TAX LEVY AND
REGISTRATION

I, the undersigned County Auditor of Anoka County, Minnesota, hereby certify that a certified copy of a resolution adopted by the governing body of the City of Coon Rapids, Minnesota, on March 17, 2015, levying taxes for the payment of \$10,000,000 General Obligation Bonds, Series 2015A, of said municipality dated April 15, 2015, has been filed in my office and said bonds have been entered on the register of obligations in my office and that such tax has been levied as required by law.

WITNESS My hand and official seal this _____ day of _____, 2014.

By _____
County Auditor
Anoka County, Minnesota

(SEAL)



City Council Regular

20.

Meeting Date: 03/17/2015

Subject: Consider Adoption of Ordinance 2130 Regarding Chapter 8-1200 - Surface Water Management

From: Mark Hansen, Assistant City Engineer

INTRODUCTION

Over the past several months, staff have been working with a consultant to update its Municipal Separate Storm Sewer System (MS4) permit as required by the Minnesota Pollution Control Agency (MPCA). As part of this new permit, an update to the City's Surface Water Management ordinance is required.

DISCUSSION

The City Attorney's office has prepared the updates to the surface water management ordinance based on recommendations from staff and the City's consultant, WSB and Associates.

Highlights of the ordinance updates are as follows:

-The ordinance is proposed to include requirements that meet the Minimal Impact Design Standards (MIDS) developed under Minnesota Statutes 2009, Section 115.03 subdivision 5c. The emphasis with MIDS is on keeping the raindrop where it falls in order to minimize stormwater runoff and pollution and preserve natural resources. MIDS provides the flexibility to implement a wide range of Best Management Practices (BMPs) in order to achieve stormwater volume reduction, as well as pollution and sediment removals.

-Specific site plan submittal requirements and engineering design criteria are proposed to be removed from the ordinance, and instead included in a newly developed City of Coon Rapids Engineering Design Standards document. The ordinance will refer to this document where additional information and specific details will be provided. The Engineering Design Standards document will be made available to engineers and developers doing work within the City. Including specific design details and standards within a separate document allows staff to make periodic updates and revisions (as needed) without revising the ordinance itself.

-More emphasis is placed on Maintenance Agreement requirements for stormwater management facilities constructed in conjunction with site development. The purpose of a Maintenance Agreement is to delineate the future maintenance responsibilities between the City and the property owner for any stormwater management device installed as part of development. All stormwater management devices require some level of ongoing maintenance in order to function properly.

-A penalty process has been added to the ordinance that holds property owners accountable for violating the City's stormwater management requirements for erosion and sediment control. This section led to some questions by the Council on March 3, 2015, and thus the item was tabled to better clarify the process of this section would be enforced. The language has since been updated, and the revision is shown in Section 8-1223 (4).

RECOMMENDATION

Staff recommends the Council adopt the updated ordinance for surface water management, and amend the City code accordingly.

BUDGET IMPACT:

There are no impacts to the City budget with this proposed ordinance update.

The updated stormwater management ordinance may in some cases add to the cost of development by requiring additional stormwater treatment features that are designed to reduce stormwater volume, and pollutants from exiting development sites. However, the updated ordinance allows for an array of flexible treatment options that will provide developers many ways to achieve water quality improvement goals.

Attachments

Ordinance

ORDINANCE NO. 2130

**AN ORDINANCE REVISING SURFACE WATER MANAGEMENT
AND THEREBY AMENDING REVISED
CITY CODE – 1982 CHAPTER 8-1200 BY REVISING
SECTIONS 8-1202, 8-1204, 8-1207, 8-1208, 8-1209, 8-1212, 8-1213, 8-1214
8-1217, 8-1219, 8-1220, 8-1223, 8-1224 AND ADDING 8-1225**

The City of Coon Rapids does ordain:

Section 1. Revised City Code – 1982 Section 8-1202 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1202 – Statutory Authorization.

This Chapter is adopted pursuant to Minnesota Statutes Section 462.351 (1990). This Chapter is adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B and 462; Minnesota Rules, Parts 6120.2500-6120.3900, Minnesota Rules Chapters 8410, 8420 and 70510.0210.

This ordinance is intended to meet the Minimal Impact Design Standards (MIDS) developed under Minnesota Statutes 2009, Section 115.03 subdivision 5c.

Section 2. Revised City Code – 1982 Section 8-1204 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1204 - Applicability.

Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must submit a storm water management plan to the City's Community Development Department. No subdivision approval, or grading permit to allow land disturbing activities shall be issued until approval of the storm water management plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this Chapter.

Every applicant for subdivision approval or a grading permit to allow wetland disturbing activities must submit a wetland assessment report to the City's Engineering Division. No subdivision approval or grading permit to allow wetland disturbing activities shall be issued until approval of the wetland replacement plan application or a certificate of exemption has been obtained in strict conformance with the provision of this Chapter and the Minnesota Wetland Conservation Act. This Chapter applies to all land, public or private, located within the City of Coon Rapids.

Every applicant for a building permit, subdivision approval, or a grading permit to allow land disturbing activities must adhere to erosion control measure standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas", the City's Engineering Design Guidelines or as approved by the City of Coon Rapids.

Section 3. Revised City Code – 1982 Section 8-1207 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1207 - Incorporation by Reference.

The following are incorporated into this Chapter by reference:

- (1) The Minnesota Wetland Conservation Act is incorporated into this Chapter by reference.
- (2) The National Pollutant Discharge Elimination System Permit, MN R100001 (NPDES general construction permit) issued by the Minnesota Pollution Control Agency, August 1, 2013, as amended. The NPDES general construction permit is incorporated into this Chapter by reference.
- (3) The City's Engineering Design Guidelines. The guidelines shall serve as the official guide for storm water principles, methods, and practices for proposed development activities. The City's Engineering Design Guidelines is incorporated into this Chapter by reference.

Section 4. Revised City Code – 1982 Section 8-1208 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1208 - Storm Water Management Plan Approval Procedures. Unless otherwise exempted by this ordinance, [A] a written application for storm water management plan approval, along with the proposed storm water management plan and maintenance agreement, shall be filed with the Community Development Department and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this ordinance, as well as the requirements within the City's Engineering Design Guidelines; the Maintenance Agreement shall be prepared to meet the requirements of Section 8-1219 of this ordinance. Prior to applying for approval of a storm water management plan, an applicant may have the storm water management plans reviewed by the City's Community Development Department.

Five sets of clearly legible blue or black lined copies of all drawings and required information shall be submitted to the Community Development Department.

Storm water management and grading plan drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be one inch equals 100 feet.

Section 5. Revised City Code – 1982 Section 8-1209 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1209 - Storm Water Management Plan. At a minimum, the Storm Water Management Plan shall meet the criteria as described in the City's Engineering Design Guidelines. The Storm Water Management Plan shall contain the following information:

~~(1) Existing Site Map. A map of existing site conditions showing the site and immediately adjacent areas, including:~~

- ~~{(a) The names, addresses, telephone numbers, and fax numbers of the applicant, owner, developer, surveyor, engineer and contact person;~~
- ~~(b) The section, township and range, north point, date and scale of drawing and number of sheets;~~
- ~~(c) Plat names and block, lot and outlot boundaries for adjacent platted properties and full property identification numbers for adjacent unplatted properties;~~
- ~~(d) Location and indication of demolition, relocation, or abandonment of existing structures, driveways, septic systems, alternate septic systems, and wells;~~
- ~~(e) Existing underground and overhead utilities, easements and rights of way;~~
- ~~(f) Existing topography with a contour interval appropriate to the topography of the land, but in no case having a contour interval greater than two feet;~~
- ~~(g) A delineation of all streams, rivers, public waters, and wetlands located on and immediately adjacent to the site, including depth of water, a statement of general water quality, and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;~~
- ~~(h) Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm waters collect;~~
- ~~(i) A description of the soils at the site, including a map indicating soil types within the areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and describing any remedial steps to be taken by the developer to render the soils suitable;~~
- ~~(j) Vegetative cover, such as brush, grass, and trees, and clearly delineating any vegetation proposed for removal; and~~
- ~~(k) The 10 year and 100 year floodplains, flood fringes and flood ways.~~

~~{(2) Site Construction Plan. A site construction plan shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be 1 to 100. Drawing sheets shall be 22 by 34 inches. A site construction plan shall include:~~

- ~~(a) The section, township and range, north point, date, revision number, scale of drawing, and number of sheets;~~
- ~~(b) Signature and Minnesota registration number of the professional land surveyor or professional engineer under whose supervision the plan was prepared;~~
- ~~(c) Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;~~
- ~~(d) Locations and dimensions of all temporary soil or dirt stockpiles;~~
- ~~(e) Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this Chapter;~~

- ~~(f) — Schedule of anticipated starting and completion dates of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this Chapter;~~
- ~~(g) — Provisions for maintenance of the construction site erosion control measures during construction;~~
- ~~(h) — Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two feet;~~
- ~~(i) — Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;~~
- ~~(j) — All lot corner elevations and bench marks utilized;~~
- ~~(k) — The proposed footprint and intended use of any structures or driveways to be constructed on the site;~~
- ~~(l) — A delineation of all streams, rivers, ponds, public waters, and wetlands located on and immediately adjacent to the site, including depth of water, a statement of general water quality, and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, the U.S. Fish and Wildlife Service, and/or the United States Army Corps of Engineers;~~
- ~~(m) — Emergency overflow routes from all low points, elevation of high point along overflow route, and directional flow arrows;~~
- ~~(n) — A drainage plan of the developed site delineating 10 year and 100 year design drainage area/watershed and hydrologic/hydraulic calculations verifying location and capacity of all overland drainage routes;~~
- ~~(o) — Location and dimensions of all permanent storm water facilities and calculations demonstrating that design standards in this Chapter are met. [Revised 2/15/11, Ordinance 2065]~~
- ~~(p) — Access routes for maintenance to all inlets, outlets, manholes, and lift stations at ponding areas proposed;~~
- ~~(q) — A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used;~~
- ~~(r) — A landscape plan, drawn to an appropriate scale, including dimensions and distances, and the location, type, size, and description of all proposed landscape materials which will be added to the site as part of the development;~~
- ~~(s) — Locations and dimensions of all permanent erosion control measures;~~
- ~~(t) — Location of any proposed septic system; and~~
- ~~(u) — Any other information pertinent to the particular project which in the opinion of the applicant or the City is necessary for the review of the project.]~~

- (1) Plan Details;
- (2) Topography;

- (3) Elevation Information;
- (4) Temporary Erosion Control Best Management Practices;
- (5) Final Stabilization; and
- (6) Tree Preservation.

Section 6. Revised City Code – 1982 Section 8-1212 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1212 [~~Approval Standards. No storm water management plan which fails to meet the standards contained in this Section shall be approved by the City Council.~~] Approval Requirements. Every applicant for a building permit, subdivision approval, or permit to allow land disturbing activity shall submit an Erosion Control Plan and a Storm Water Management Plan to the City. The Erosion Control Plan and Storm Water Management Plan shall meet the submittal criteria for the plans of the City’s Engineering Design Standards prior to starting construction.

~~[(1) Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro cyclones, swirl concentrators, or other controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site, or receiving channels, or a wetland.]~~

~~[(2) Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of off site and not allowed to be carried by runoff into a receiving channel or storm sewer system.]~~

~~[(3) Tracking. Each site shall have graveled roads, access drives, and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.~~

~~— (4) Drain Inlet Protection. All storm drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications contained in the MPCA Publication “Protecting Water Quality in Urban Areas.”~~

~~— (5) Site Erosion Control. The following criteria apply only to construction activities that result in runoff leaving the site.~~

~~— (a) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff rated of less than 0.5 ft./sec. across the disturbed area for the one year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.~~

~~— (b) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.~~

~~— (c) Runoff from the entire disturbed area on the site shall be controlled by meeting either subsection i and ii or i and iii below:~~

~~— i) all disturbed ground left inactive for 14 or more days shall be stabilized by seeding or sodding (only available prior to September 15) or by mulching or covering or other equivalent control measure.~~

~~— ii) for sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.~~

~~— iii) For sites with less than 10 acres disturbed at one time, silt fence, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales, or equivalent control measures must include a maintenance and inspection schedule~~

~~— (d) Any soil or dirt storage piles containing more than 10 cubic yards of material should not be located with a downslope drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven days, the piles shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than seven days shall be controlled by placing straw bales or silt fence barriers around the pile. In street utility repair or construction, soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps, or suitable alternative control, if exposed for more than seven days, and storm drain inlets must be protected with straw bale or other appropriate filtering barriers.]~~

Section 7. Revised City Code – 1982 Section 8-1213 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1213 Storm Water Management Criteria for Permanent Facilities.

(1) Unless determined by the City to be exempt or granted a waiver, all site designs shall establish storm water management facilities to control the peak flow rates and pollutants of storm water discharge associated with specified design storms and runoff volumes, as detailed in the City’s Engineering Design Guidelines.

~~[(1)] (2)[An applicant shall install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that the two-year, 10-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased and accelerated and channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or monetary contribution to the development and maintenance of community storm water management facilities designed to serve multiple land disturbing and development activities undertaken by the City or one or more persons, including the applicant.~~

~~[(2)] (3) The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales, and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.~~

~~[(3)] (4) The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference:~~

- (a) natural infiltration of precipitation on-site;
- (b) flow attenuation by use of open vegetated swales and natural depressions;
- (c) storm water retention facilities; and
- (d) storm water detention facilities.

~~[(4)]~~ (5) A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection (3) above. Justification shall be provided by the applicant for the method selected.

~~[(5) For new development or redevelopment activities that disturb one acre or more of land, the following is required:~~

~~(a) infiltration of the storm water runoff volume generated from a one-inch rainfall event over all impervious on site, for sites where Hydrologic Group A and B soils are predominant;~~

~~(b) storm water detention facilities or equivalent water quality improvements shall be provided, for sites that are not subject to the infiltration requirement under subsection (5)(a). [Revised 2/15/11, Ordinance 2065]]~~

Section 8. Revised City Code – 1982 Section 8-1214 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1214 Design Standards. Permanent storm water facilities constructed in the City of Coon Rapids shall be designed according to the most current technology as reflected in the MPCA publications “Protecting Water Quality in Urban Areas” ~~[and]~~ the “Minnesota Storm Water Manual,” and ~~[shall contain, at a minimum, the following design factors:]~~ the City’s Engineering Design Guidelines.

~~[(1) Storm Water Retention/Infiltration Facilities shall:~~

~~(a) be capable of storing and infiltrating runoff from one inch of precipitation over all impervious surfaces on site within 48 hours;~~

~~(b) have pre-treatment provided for storm water runoff prior to entering storm water retention/infiltration facility to reduce sediment and maintenance;~~

~~(c) not be allowed in the following locations:~~

~~(i) within one year travel zone of a public well as determined by the wellhead protection plan; or~~

~~(ii) where known soil contamination is present; or~~

~~(iii) where less than three feet of separation between the infiltration facility and the seasonally high groundwater elevation or bedrock elevation can be provided; or~~

~~(iv) where other conditions identified by the City Engineer may make infiltration undesirable. [Revised 2/15/11, Ordinance 2065]~~

~~[(2) Storm Water Detention Facilities shall provide:~~

~~(a) a permanent pond surface area equal to two percent of the impervious area draining to the pond, or one percent of the entire area draining to the pond, whichever amount is greater;~~

~~(b) an average permanent pool depth of four to 10 feet;~~

~~(c) a permanent pool length to width ratio of 3:1;~~

~~(d) a minimum protective shelf extending 10 feet into the permanent pool with a slope of 10:1, beyond which slopes should not exceed 3:1;~~

~~(e) a device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations; [Revised 2/15/11, Ordinance 2065]~~

~~(f) for new development the ability to limit peak flows in each subwatershed to those that existed before the development for the 10 year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plan;[Revised 2/15/11, Ordinance 2065]~~

~~(g) all storm water detention facilities must have a forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin.]~~

Section 9. Revised City Code – 1982 Section 8-1217 is hereby amended as

follows: (deletions in brackets, additions double underlined)

8-1217 Catch Basins. Any newly installed and rehabilitated catch basins ~~[shall]~~ may be provided with a sump area for the collection of coarse-grained material. City staff shall review the design of catch basins on a case-by-case basis. An appropriate maintenance plan shall be developed and reviewed by City staff prior to construction. Such basins shall be cleaned when they are half filled with material.

Section 10. Revised City Code – 1982 Section 8-1219 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1219~~[Inspection and Maintenance.]~~ Storm Water Management Facilities Maintenance Plan and Agreement.

(1) All storm water management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. [All storm water management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in storm water runoff. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes. The City may require a developer to enter into a contract providing for access to perform maintenance and inspection to public or private storm water waste management facilities.[Revised 02/11/15, Ordinance 2065]] The Responsible Party shall enter into a Maintenance Agreement with the City that documents all responsibilities for operation and maintenance of all permanent storm water management facilities. Such responsibility shall be documented in a maintenance plan and executed through a Maintenance Agreement. The Maintenance Agreement shall be executed and recorded against the parcel. The storm water Maintenance Agreement shall be in a form approved by the City and shall describe the inspection and maintenance obligations of this section and shall, at a minimum:

- (a) Designate the Responsible Party who is permanently responsible for maintenance of the structural and nonstructural measures;
- (b) Pass responsibilities for such maintenance to successors in title;
- (c) Allow the City and its representatives the right-of-entry for the purposes of inspecting all permanent storm water management facilities;
- (d) Allow the City the right to repair and maintain the facility, if necessary maintenance is not performed after proper and reasonable notice to the responsible party of the permanent storm water management facility;

- (e) Include a maintenance plan that contains, but is not limited to the following:
- (i) Identification of all structural permanent storm water facility;
 - (ii) A schedule for regular inspection, monitoring, and maintenance of each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to quality, temperature, and quantity of runoff;
 - (iii) Identification of the Responsible Party for conducting the inspection, monitoring and maintenance for each practice; and
 - (iv) Include a schedule and format for reporting compliance with the maintenance agreement to the City.
- (f) The issuance of a permit constitutes a right-of-entry for the community or its contractor to enter upon the construction site. The applicant shall allow the community and their authorized representatives, upon presentation of credentials, to:
- (i) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys;
 - (ii) Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations;
 - (iii) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permit;
 - (iv) Inspect the storm water pollution control measures;
 - (v) Sample and monitor any items or activities pertaining to storm water pollution control measures; and
 - (vi) Correct deficiencies in storm water and erosion and sediment control measures.
- (2) Inspection of Storm Water Management Facilities. Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other storm water management practices.
- (a) When any new storm water management facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer, or combined sewer; the property

owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

(b) The Director of Public Works, or designated representative, shall inspect all storm water management facilities during construction, during the first year of operation, and at least once every five years thereafter. The inspection records will be kept on file at the public works department for a period of 6 years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes.

(3) Records of Installation and Maintenance Activities. The Responsible Party shall make records of the installation and of all maintenance and repairs of the storm water management facilities, and shall retain the records for at least three (3) years. These records shall be made available to the City during inspection of the storm water management facilities and at other reasonable times upon request.

(4) Failure to Maintain Practices. If a Responsible Party fails or refuses to meet the requirements of the Maintenance Agreement, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the storm water management facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the City shall notify the Responsible Party in writing. Upon receipt of that notice, the Responsible Party shall have thirty days to perform maintenance and repair of the facility in an approved manner. After proper notice, the City may specially assess the owner(s) of the storm water management facility for the cost of repair work and any penalties; and the cost of the work shall be assessed against the property and collected along with ordinary taxes by the county.

Section 11. Revised City Code – 1982 Section 8-1220 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1220 Models/Methodologies/Computations. Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the ~~[Director of Public Services]~~ Public Works Director. Detention facilities shall be designed in accordance with NURP wet detention basin design criteria. Plans, specification, and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the Director of Public Services.

Section 12. Revised City Code – 1982 Section 8-1223 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1223 Penalty. ~~[Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and a separate offense shall be deemed committed on~~

~~each day during or on which a violation occurs or continues.]~~

(1) Notice of Violation. When the City determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

- (a) The name and address of the owner of Applicant;
- (b) The address when available or a description of the land upon which the violation is occurring;
- (c) A statement specifying the nature of the violation;
- (d) A description of the remedial measures necessary to bring the development activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
- (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
- (f) A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within 15 days of served notice of violation.

(2) Withholding Building Permit Inspections. The City may withhold building permit inspections if the person holding the site development permit does not respond to the notice of violation letter within the time period determined by the City and stated in the notice of violation.

(3) Stop Work Order. Persons receiving a stop work order will be required to halt all construction activities. This Stop Work Order will be in effect until the City confirms that the Land Disturbance Activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

(4) Civil and Criminal Penalties.

(a) In addition to or as an alternative to any Civil penalty provided herein or by law, any person who through an intentional act violates the provisions of this ordinance or who willfully fails to comply with the requirements of this ordinance, a notice of violation, or a stop work order shall be guilty of a misdemeanor and subject to prosecution. Such person shall be guilty of a separate offense for each day during which the intentional violation or willful noncompliance occurs or continues. A restitution award to the City for abatement or other remedial action taken by the City resulting from a violation or noncompliance may also include reasonable enforcement and prosecution costs, and it shall not limit a person's liability for damages in a civil action or proceeding for an amount greater than the restitution payment.

(b) When a criminal complaint is filed under this ordinance, the District Court may take any of the following actions if the prosecuting authority shows by a preponderance of the evidence that the action is necessary to prevent an ongoing violation or damage to storm water management facilities:

- (i) Enter a restraining order or injunction;
 - (ii) Require execution of a satisfactory performance bond or place money in escrow; or
 - (iii) Take any other reasonable action to halt a violation or mitigate ongoing and future damages.
- (c) Before granting the remedies provided for in this subsection, the District

Court shall hold a hearing, after notice to directly affected persons, giving them a reasonable opportunity to respond. At the hearing the rules of evidence do not apply.

(5) Restoration of Lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which may, after notice and opportunity for hearing, be specially assessed against the property and collected along with the ordinary taxes by the county.

Section 13. Revised City Code – 1982 Section 8-1224 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1224 [~~Severability. If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.~~][Revised 12/05/00, Ordinance 1719]] Appeals. Any person aggrieved by the action of any official charged with the enforcement of this ordinance, as the result of the disapproval of a properly filed application for approval, issuance of a written notice of violation, or an alleged failure to properly enforce the ordinance in regard to a specific application, shall have the right to appeal the action to the City.

(1) The Applicant shall submit the appeal in writing and include supporting documentation.

(2) City staff shall make a decision on the appeal within 15 business days of receipt of a complete appeal application.

(3) The Applicant may appeal the decision of city staff to the city council. This appeal must be filed with the City within 30 days of City staff's decision.

Section 14. Revised City Code – 1982 Section 8-1225 is hereby added as follows:

(deletions in brackets, additions double underlined)

8-1225 Severability. If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.[Revised 12/05/00, Ordinance 1719]

Introduced this 17th day of February, 2015.

Adopted this _____ day of _____, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk