

COON RAPIDS CITY COUNCIL MEETING MINUTES OF AUGUST 20, 2013

OPEN MIC/PUBLIC COMMENT

Ed Burns 549 Tyler St. Anoka, shared concerns about the need for stop lights on Round lake and Wedgewood drive and on Northdale by Costco and Menards.

Greg Leone, shared concerns about the park bond referendum, stating he didn't believe his previous open mic report accurately conveyed his message. He spoke of priorities in the City survey being streets and crime and not parks. He inquired about the discrepancy in the informational mailer of \$17.4 million vs. \$17.2 million and if the mailer was completely objective. Mr. Leone asked about the total cost of the bonds after 20 years and what will it cost us to borrow that money.

Alan Williams, 10744 Yellow Pine Street stated that Section 8 housing inspections and City inspections are redundant and asked that the City consider using Met Council's inspections to satisfy the inspection requirements of the City's rental licensing program. Mr. Williams asserted staff has not responded to this request.

Jerry Pierce, 12236 Partridge Street, said his previous questions under Open Mic had not been addressed. He shared concerns about the Coon Rapids Ice Center repairs and increasing utility costs. He also inquired about the outcome of the Midwest Disabilities project at Round Lake Shoppes on Coon Rapids Boulevard.

Several individuals spoke in support of The Element Teen Center and the importance of keeping it open, sharing that the Teen Center builds relationships and communication skills, provides community service opportunities and skill building, and provides a safe place for teens.

CALL TO ORDER

The second regular meeting of the Coon Rapids City Council for the month of August was called to order by Mayor Tim Howe at 7:45 p.m. on Tuesday, August 20, 2013, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Howe led the Council in the Pledge of Allegiance.

ROLL CALL

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

Members Absent: None

ADOPT AGENDA

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

PROCLAMATIONS/PRESENTATIONS

1. ANOKA-RAMSEY COMMUNITY COLLEGE PRESIDENT KENT HANSON

Anoka Ramsey Community College President, Dr. Kent Hanson, introduced himself to the Council and shared his vision for further strengthening the relationship between the City and college. He commented Anoka-Ramsey was the largest community college in the State of Minnesota and he looked forward to keeping this institution thriving. He explained he would begin a strategic planning and alignment process in January of 2014. He encouraged the Council to take part in this process. Dr. Hanson said he looked forward to working with the City of Coon Rapids and thanked the Council for their time this evening.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

AUGUST 7, 2013, COUNCIL MEETING

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE MINUTES OF THE AUGUST 7, 2013, COUNCIL MEETING. THE MOTION PASSED 6-0-1, COUNCILMEMBER KLINT ABSTAINED.

CONSENT AGENDA/INFORMATIONAL BUSINESS

2. APPROVE JOINT POWERS AGREEMENT WITH ANOKA-RAMSEY COMMUNITY COLLEGE FOR SECURITY SERVICES
3. APPROVE CONTRACT FOR SCHOOL LIAISON AND PREVENTION PROGRAM OFFICER SERVICES WITH ANOKA-HENNEPIN SCHOOL DISTRICT #11
4. APPROVE CONTRACT FOR SCHOOL LIAISON AND PREVENTION PROGRAM OFFICER SERVICES WITH ANOKA-HENNEPIN SCHOOL DISTRICT, RIVER TRAIL LEARNING CENTER
5. INFORMATIONAL ITEM – CORPORATE OFFICER CHARGE – CUB FOODS SOUTH, 2050 NORTHDALE BOULEVARD

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

REPORTS ON PREVIOUS OPEN MIC

6. OPEN MIC REPORT – PAT BORK – 1763 123RD AVENUE NW – COYOTES NEAR HANSON BOULEVARD AND HIGHWAY 10
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Mayor Howe discussed Mr. Bork’s comments made during Open Mic at the CC, 2013 Council meeting regarding coyotes.

7. OPEN MIC REPORT – ROCHELLE HARRIS – 509 111TH AVENUE NW – RE: TRAFFIC SAFETY CONCERNS AT KUMQUAT/111TH AVENUE NW
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Mayor Howe discussed Ms. Harris’ comments made during Open Mic at the CC, 2013 Council meeting regarding traffic safety.

PUBLIC HEARING

None.

OLD BUSINESS

8. CONS. ADOPTION OF AN ORDINANCE TO ALLOW “FOOD AND RELATED GOODS” AS PERMITTED USE IN PORT WELLNESS AND PORT EVERGREEN
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The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT THE PROPOSED ORDINANCE APPROVING THE ORDINANCE AMENDMENT TO ALLOW "FOOD AND RELATED GOODS" AS A PERMITTED USE IN PORT WELLNESS AND PORT EVERGREEN.

Mayor Howe questioned why the size was being limited to 20,000 square feet. Planner Harlicker commented this would assure that no “big box” food and related goods retailers were allowed.

THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

9. CONSIDER APPEAL OF DECISION OF THE BOARD OF ADJUSTMENT AND APPEALS, DANIEL FLAHERTY, 11749 BITTERSWEET STREET, 13 FOOT SIDE YARD SETBACK VARIANCE, CASE 13-07V

The Staff report was shared with Council.

Councilmember Koch asked if the five-foot fence surrounding the pool would camouflage the situation. Housing and Zoning Coordinator Bennett indicated the large inflatable pool has been located on this site for many years, but did require a building permit and to comply with setback requirements.

Mayor Howe discussed a similar case reviewed by the Board of Adjustments several years ago. He noted this case was slightly more unique in that the property was a corner lot.

Councilmember Koch questioned if more than 30% of a lot could be covered with buildings, decks, driveways, and structures. Housing and Zoning Coordinator Bennett stated this was the case, but commented the pool would not be considered in this calculation.

Daniel Flaherty, 11749 Bittersweet Street, indicated he received the appeal paperwork from the City yesterday. He did not feel an objective hearing was conducted by the Board of Appeals. He indicated the current ordinance did not allow him to have the full use of his lot, especially since he lives on a corner lot. He commented his pool was not a permanent structure and he was unaware of the fact he needed a permit from the City.

Mr. Flaherty explained there were pools all over Coon Rapids that did not meet the City's setback requirements. He indicated the side yard location of the pool was chosen because his back yard received no direct sunlight. He requested the Council allow his pool to remain as is due to the fact it poses no threat to his lot or his neighbors.

Councilmember Koch inquired what the City would need to do to allow the variance given the fact the lot does not meet current lot width standards. He fully supported allowing the pool to remain. Housing and Zoning Coordinator Bennett indicated the Council was held to the same approval standards as the Board of Appeals. The Council could find that a 13-foot setback was appropriate.

Mayor Howe asked if the Council has ever discussed the City Code regarding above ground, temporary pools. He commented Mr. Flaherty had a good point, noting the pools were located all over Coon Rapids. Housing and Zoning Coordinator Bennett did not recall that this issue has ever been discussed by the Council. She explained the building code currently addressed the setbacks for pools.

Councilmember Sanders requested further information on the new State Statutes regarding variance approvals. City Attorney Brodie explained the Council adopted new standards for approval of variances after the State Supreme Court Case, which assured the City's standards were in alignment with the new variance requirements.

Councilmember Manning was in favor of amending the pool setback requirements within the City Code. City Attorney Brodie commented the 20-foot setback requirement could be reviewed by the Council.

Councilmember Klint disagreed with points three and four from the Board of Appeals and was in favor of granting the variance due to the fact Mr. Flaherty was requesting to reasonably use on his property. She added that the proposed pool location was the least intrusive on the neighbors.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER MANNING, TO APPROVE A VARIANCE THAT WOULD ALLOW FOR A 13 FOOT SIDEYARD SETBACK FOR DANIEL FLAHERTY AT 11749 BITTERSWEET STREET.

Councilmember Wells asked if the pool could be moved three feet closer to the house. Housing and Zoning Coordinator Bennett indicated this could be done.

Councilmember Sanders said he did not want to see the Council set precedence this evening by approving the 13-foot variance. He recommended the Council deny the variance and uphold the Board of Appeals recommendation.

Councilmember Koch commented the location needed to be slightly away from the house in order to receive sunlight. He did not object to the 13-foot variance but did not want to see a precedence set this evening.

Councilmember Klint found this case to be unique as the Flaherty property was a corner lot.

Councilmember Manning requested staff provide the Council with additional information on why the 20-foot sideyard setback was selected for above ground pools.

Councilmember Sanders commented the Council may need to review the definitions of both above ground and in-ground pools, when reviewing this setback information. City Attorney Brodie commented the Code does not distinguish between above ground or in-ground pools. He indicated a 20-foot setback was required for both pool types.

Mayor Howe indicated the Council had the discretion to review the variance and make a determination on the matter.

Councilmember Klint discussed in detail the six standards regarding the variance request. She noted the above ground pool was not a permanent improvement.

Councilmember Johnson asked if there was a height requirement around the pool. He commented if the pool were moved closer to the house the setback request could be minimized. Community Development Director Nevinski explained City Code required a four-foot fence for the pool.

Councilmember Johnson questioned if the Council had to further articulate the reasons the variance was being considered for approval. City Attorney Brodie recommended the Council discuss the findings in further detail.

Councilmember Koch clarified that in order to overturn the Board of Appeals decision, the Council would need to have a super majority or five members that supported the variance. City Attorney stated this was the case.

Mayor Howe said he was in favor of Councilmember Wells' suggestion having the pool moved several feet closer to the home. He explained the pool would still receive a great deal of sunlight from this new location. Mayor Howe did not feel the locality of the pool was adversely affecting the adjacent property owners.

AMENDED MOTION

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER MANNING, TO APPROVE A VARIANCE THAT WOULD REQUIRE THE HOMEOWNER TO MOVE THE POOL THREE FEET CLOSER TO THE HOME REDUCING THE SIDE YARD SETBACK TO 10 FEET FOR DANIEL FLAHERTY AT 11749 BITTERSWEET STREET. THE AMENDED MOTION PASSED 6-1, COUNCILMEMBER SANDERS OPPOSED.

10. DISCUSS POTENTIAL CLOSURE OF TRACKSIDE DOG PARK

The staff report was shared with Council.

Mayor Howe commented the dog park at Trackside Park was a recent addition to the City. He indicated the tremendous success of the park was not anticipated by the Council. He understood that the neighbors of this park have been impacted. For this reason, the Council has been seeking an alternative location for a dog park at Bunker Hills Park. He noted the new park was now open and available for use.

Mayor Howe indicated the purpose of this agenda item was to discuss the potential closure of Trackside Park given the adverse impacts this neighborhood has endured. He requested those present this evening be brief and concise with their comments to allow time for everyone present to speak.

Councilmember Koch referred to a note he received regarding the new dog park noting the ground was rough and weedy. He questioned the timeline on when the area would be more properly maintained. Public Works Director Himmer commented the area was intended to be more natural with mowed trails and a large area to run.

Councilmember Manning indicated the open area was very uneven. He stated the weedy areas may be difficult for smaller dogs. He saw that the new park had great potential, but recommended

additional grooming be completed on the turf.

Councilmember Koch questioned when the benches would be installed at the new dog park. Public Works Director Himmer commented the benches would be installed by the end of August.

Councilmember Sanders expressed concern with the rough terrain at the new dog park within the trails. Public Works Director Himmer commented topsoil and seeding had yet to be completed.

Michael Dully, 10341 Flamingo Street, stated he purchased his home in October of 2012 and selected his home due to the close proximity to Trackside Dog Park. He found the park to be an asset to the community and to all dog lovers. He expressed concern with the number of people using the park that were not Coon Rapids residents, as they were not cleaning up after their pet. Mr. Dully discussed the parking concerns noting one of the blighted homes next to the park could be demolished and the land could be used for parking. He explained he and his sons completed cleanup this spring and requested that Trackside Park remain. He stated he would be willing to pay a fee to keep the dog park in place.

Leann Ziegeweid, 10808 Dahlia Street, commented she moved to Coon Rapids three years ago and noted she frequents Trackside Park with her pet. She explained she would be willing to pay an expense to keep the park. She requested the Council keep Trackside Park open and available to its residents.

Luke Slivinski, 10685 Quince Street NW, encouraged the Council to keep Trackside Park open. He discussed the benefits of the dog park for both pets and their owners. He commented the new dog park was not in the same condition as Trackside Park. He requested that Council to hear the overwhelming majority and allow the treasured site to remain.

Becky Rondon, 10800 Flora Street, indicated she was a lifetime resident of Coon Rapids. She noted many people in her neighborhood use this dog park and found it to be a great gathering place for the community. She requested that Trackside Park remain open.

Katie Raeker, 10160 Raven Street, said she did not find the new dog park to be in the proper condition to be used as a dog park. She explained that her dog had a hard time navigating through the trails and had 39 sand burrs in her paws. She commented the fencing in the small dog area was inadequate due to the five to seven inch gaps between the fence and the ground. She understood the interest in keeping the new park natural looking, but it was her opinion that the open area did not compare to Trackside Park. Ms. Raeker encouraged the Council to keep the park open.

Nicole Backen, 10400 Jay Street, had her daughter, Kayley present the Council with a letter. Ms. Backen did not object to the dog park and appreciated the play structure near Trackside Park.

Tom Pekay, 12772 Swallow Street, questioned what would happen to Trackside Park if the Council were to close the park for dog use. He expressed concern that the area would become a hangout for young adults.

Mayor Howe indicated this has not been discussed by the Council. Public Works Director Himmer indicated Traskside Park was currently a stormwater pond and would not be further developed.

Tom Merog, 11420 Hummingbird Street, indicated he lives within 45 feet of the dog park. He stated the dog park has become a concern to him given the number of visitors and barking dogs. He found the park to be a public nuisance that was adversely impacting his quality of life.

Mike Carter, 10410 Hummingbird Street, commented he has lived at his property for the past 35 years and selected the neighborhood, as it was quiet and located on a dead-end street. When he purchased the property, it was his understanding that the area directly across the street from him could not be developed, as it was a stormwater ponding area. He indicated his pursuit of happiness has been greatly impacted by the mob of people and barking dogs at Traskside Park. He recommended peace be restored to the neighborhood and that the park close given the noise standard violations taking place at the park on a daily basis.

Michelle Schroeder, 10371 Grouse Street, indicated she does not hear dogs barking at her property. It was her opinion that the dog park has cleaned up the area and has kept loitering teenagers at bay. She explained her pet was sensitive to loud noises and for this reason, she would not be able to use the new dog park. She recommended Traskside Park remain.

David Bothey, 12199 Unity, stated the new dog park was an asset to the community based on its location. However, he was in favor of Traskside Park remaining open as well. He suggested the dog owners be charged a user fee to assure that Traskside Park was properly maintained.

Randy Ripley, 10640 Sixth Street, was in favor of Traskside Park staying open for at least two more years to allow the new park time to develop.

Travis Holly, 10361 Hummingbird Street, stated the dog park has increased the level of traffic in his neighborhood. In addition, neighbors were becoming angry with one another. It was his opinion the dog park would be better suited at the new location.

Nate Krimeyer, 10371 Grouse Street, explained he lives extremely close to the dog park and was in favor of the park remaining open. He commented the area used to be wasted space that has since been transformed into a greatly utilized space by the community. He requested the Council keep the park open based on the comments of the majority and not the views of the minority. He recommended Traskside Park remain open for use even with the new park now available. It was his opinion that Traskside had great value and was an asset to the community.

Rick Holly, 10361 Hummingbird Street, indicated when he moved into the neighborhood he lived on a quiet street. This has changed dramatically over the past seven years. He expressed concern with the traffic level and lack of parking as it was creating safety concerns. He congratulated the Council for creating a monster and requested the dog park close.

Mayor Howe explained it was not the Council's intention to "create a monster" but rather to offer Coon Rapids residents an amenity that was not available in the City. He sincerely apologized for

bringing the neighborhood residents into this situation. Mayor Howe was in favor of closing Trackside Park effective September 1st and that the new dog park be further improved based on the comments received this evening.

Councilmember Wells agreed with this recommendation. He did not recommend that Trackside Park remain open in the residential neighborhood. He commented a large number of people drive to Trackside Park and he encouraged these residents to visit the new park. It was his opinion that over time, this site would have the same level of community as Trackside Park. He thanked all of the residents for their comments this evening.

Councilmember Sanders stated the dog park came about out of the requests from residents. He understood the community that has been created at Trackside Park, but anticipated that this same level of community could be established at the new park over time. He suggested Trackside Park remain open until the new dog park was more established.

Councilmember Koch understood the subculture that has been created at Trackside Park. He indicated the park needed a buffer between the dog park and the adjacent homes. However, because this park has become a regional asset it no longer belonged in a residential neighborhood. He supported the closing of Trackside Park in the near future giving the new park additional time to establish.

Councilmember Manning commented Trackside Park has become a great draw for pet owners. However, the traffic and noise generated from the park was negatively impacting the quality of life for the homeowners adjacent to the park. He hated to see the park close, but this was the correct thing to do. He stated the new park was quite large and would become a great amenity for the community. He recommended Trackside Park remain open in the short term until the new park was properly developed.

Commissioner Klint expressed frustration with how the neighbors were treating one another. She encouraged the residents to treat each other with respect and be willing to move on from this situation. She commented the new park would become a great draw for the community.

Councilmember Johnson explained he has had a great number of residents contact him regarding the dog park, both for and against. It was his understanding that the dog park has become a burden on the residents living directly adjacent to the park. For this reason, he recommended the park be closed and that an alternative site be further investigated for southern Coon Rapids residents.

Councilmember Sanders questioned when Trackside Park should be closed.

Mayor Howe said he did not want to see the closing delayed any further as the park was adversely impact the nearby residents.

City Manager Gatlin discussed the work that had yet to be completed at the new dog park. He stated the picnic benches would be installed before the end of August. He commented the project was

approved quickly and for minimal costs. He explained the work that would be completed yet this fall would be minimal, but over time, additional grading work would be done.

Councilmember Manning said he did not see that the new park was useable at this point, given the number of potholes and burrs. He suggested Traxside Park remain open until October 1st to allow for addition work to be completed on the new park.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER WELLS, TO ALLOW TRACKSIDE DOG PARK TO REMAIN OPEN UNTIL OCTOBER 1, 2013 TO PROVIDE SOME TIME TO ADEQUATELY NOTIFY THE USERS, WITH SIGNAGE ON SITE AND INFORMATION IN THE LOCAL NEWSPAPER & CITY NEWSLETTER.

Mayor Howe requested the closing date be shifted to September 15th as the benches would be in place by this time.

AMENDMENT TO THE MOTION

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KOCH, CLOSE TRACKSIDE DOG PARK ON SEPTEMBER 15, 2013.

THE AMENDMENT PASSED UNANIMOUSLY.

Councilmember Koch asked if the residents could be made aware of the shooting schedule at the Anoka County Range. Police Chief Wise indicated he would look into this further and report back to the Council.

THE MOTION WITH THE AMENDMENT PASSED UNANIMOUSLY.

11. **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM:**
 - A. **APPROVE AMENDMENT TO ASSET DETERMINATION FOR ELIGIBLE RECIPIENTS OF THE COON RAPIDS CDBG HOUSING REHABILITATION LOAN PROGRAM PROCEDURAL GUIDELINES**
 - B. **AUTHORIZE EXECUTE OF SERVICE CONTRACT WITH GREATER METROPOLITAN HOUSING CORPORATION TO ADMINISTER 2013 CDBG HOUSING REHABILITATION PROGRAM**
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The staff report was shared with Council.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SANDERS, TO APPROVE AN AMENDMENT TO THE ASSET DETERMINATION FOR ELIGIBLE RECIPIENTS OF THE COON RAPIDS CDBG HOUSING REHABILITATION LOAN PROGRAM PROCEDURAL GUIDELINES TO EXCLUDE THE FIRST \$100,000 IN VALUE OF RETIREMENT AND PENSION FUNDS; AND AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE A SERVICE CONTRACT, TOGETHER WITH ANY OTHER

NECESSARY DOCUMENTS, WITH THE GREATER METROPOLITAN HOUSING CORPORATION TO ADMINISTER THE 2013 CDBG HOUSING REHABILITATION PROGRAM. THE MOTION PASSED UNANIMOUSLY.

12. CONSIDER RESOLUTION 13-83 CALLING FOR A SPECIAL ELECTION FOR THE AUTHORIZATION OF A BOND ISSUE FOR PARKS, OPEN SPACE AND TRAIL SYSTEM REFERENDUM

The staff report was shared with Council.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION 13-83 CALLING FOR A SPECIAL ELECTION FOR THE AUTHORIZATION OF A BOND ISSUE FOR A PARKS, OPEN SPACE AND TRAIL SYSTEM REFERENDUM IN THE AMOUNT NOT TO EXCEED \$17,400,000.

Councilmember Manning questioned why the referendum amount had changed this evening. Finance Director Legg explained the expense for the project costs was \$17,200,000 and the additional \$200,000 would cover the expense of the bonds as interest rates were increasing.

THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

13. UPDATE ON GATE CLOSURE LOCATED ON CRANE STREET NEAR 133RD AVENUE

The staff report was shared with Council.

Mayor Howe recommended the gate remain as is as this has not been a concern in the past.

Councilmember Manning agreed.

Councilmember Johnson stated public streets should remain open to the public; however, private streets were another matter. He did not recommend the City have a private organization dictate how a City roadway should be used.

Councilmember Manning recommended the residents in this area be surveyed in the coming year to gauge how they have been affected by the new dog park.

Councilmember Klint suggested the traffic problem be addressed and that the matter be further discussed.

Councilmember Koch indicated further discussion would require a public hearing.

Mayor Howe recommended the Council discuss this item in further detail at a future meeting.

Councilmember Manning discussed a crosswalk concern in the City noting vehicles were not stopping as they should.

Councilmember Klint thanked all of the volunteers that assisted with the Tee It Up for the Troops event. Mayor Howe agreed stating this was a wonderful event this year.

Councilmember Koch discussed a recent event held at Sand Creek Park that was hosted by Chick-fil-A. He noted over 2,000 people were in attendance last Friday night. He welcomed the new restaurant to the City of Coon Rapids.

ADJOURN

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS,
TO ADJOURN THE MEETING AT 10:30 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Cathy Sorensen, City Clerk