



HRA Regular Session - 6:50 p.m.
CITY COUNCIL AGENDA
Tuesday, December 1, 2015
7:00 p.m.
Coon Rapids City Center
Council Chambers

Call to Order

Pledge of Allegiance

Adopt Agenda

Proclamations/Presentations

1. Coon Rapids High School BioMedical Sciences Program Presentation

Approval of Minutes of Previous Meeting

2. Approve Minutes of November 17, 2015

Consent Agenda

3. Adopt Resolution 15-121 Accepting Recycling Grant from Anoka County for the Coon Rapids Golf Course and Approve Budget Amendment for Recycling Fund
4. Authorize Staff to Apply for 2015 SCORE Grant Funding from Anoka County
5. Establish New Polling Location for Precincts 1-1 and 1-2
6. Approve Temporary On-Sale 3.2% Malt Liquor License for Men's Night at Epiphany Church

Public Hearing

7. Truth-In-Taxation Hearing and Adoption of 2016 Budget and Tax Levy
8. Levy of Misc. 2016(1) Assessments
9. Hold Currency Exchange License Public Hearing and Consider License Renewal for Pawn America

Bid Openings and Contract Awards

Old Business

10. Consider Ordinance Authorizing Sale of Residential Lot, 2260 Coon Rapids Boulevard

New Business

11. PC 15-32, Consider Resolution 15-132, Approving Lot Split for 12856 Crooked Lake Blvd., Rachel Neiman
12. PC 15-33: Consider Introduction of an Ordinance Revising Section 11-1101 Floodplain Management
13. Consider Proposal and Letter of Engagement for Engineering Services - 2016 Well Rehabilitation Program (Project 16-7)
14. Consider Introduction of an Ordinance Amending City Code 5-900 Tobacco
15. Adopt Resolution 15-134 Approving 2016 Civic Center Fees
16. Introduce Ordinance Restricting Parking on 105th Avenue NW
17. Approve Class A On Sale and Sunday Liquor License for Broadway Pizza, 3420 129th Ave NW

Open Mic/Public Comment

Reports on Previous Open Mic

Other Business

Adjourn



City Council Regular

1.

Meeting Date: 12/01/2015

Subject: Coon Rapids High School BioMedical Sciences Program Presentation

From: Joan Lenzmeier, City Clerk

INTRODUCTION

The Coon Rapids High School BioMedical Sciences program Coordinator Leah Sams along with Superintendent David Law and CRHS Principal Annette Ziegler will be present to provide some information on the BioMedical Sciences Program and present the Council with mini billboards as a sign of appreciation for the City's support of the BioMedical Sciences Program.

DISCUSSION

RECOMMENDATION



City Council Regular

2.

Meeting Date: 12/01/2015

SUBJECT: Approve Minutes of November 17, 2015

Attachments

November 17, 2015 Minutes

UNAPPROVED

COON RAPIDS CITY COUNCIL MEETING MINUTES OF NOVEMBER 17, 2015

CALL TO ORDER

The second regular meeting of the Coon Rapids City Council for the month of November was called to order by Mayor Jerry Koch at 7:00 p.m. on Tuesday, November 17, 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, Brad Johnson and Steve Wells

Members Absent: Councilmembers Wade Demmer and Jennifer Geisler

ADOPT AGENDA

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT THE AGENDA AS AMENDED INCLUDING A PROCLAMATION FOR DECA. THE MOTION PASSED UNANIMOUSLY.

PROCLAMATIONS/PRESENTATIONS

1A. PROCLAMATION FOR DECA

Mayor Koch read a proclamation in full declaring Tuesday, November 17, 2015 to be DECA Day in the City of Coon Rapids.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

1. NOVEMBER 4, 2015, COUNCIL MEETING

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER KLINT, FOR

APPROVAL OF THE MINUTES OF THE NOVEMBER 4, 2015, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA/INFORMATIONAL BUSINESS

2. ADOPT RESOLUTION 15-125 SETTING LEVY HEARING FOR MISC. ASSESSMENTS 2016-1
 3. ADOPT RESOLUTION 15-124 APPROVING JOINT POWERS AGREEMENT – ACCESS TO BCA DATA
 4. INFORMATION ITEM: CORPORATE OFFICER CHANGE – NOODLES & COMPANY 2379 RIVER RAPIDS DRIVE
-

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

PUBLIC HEARING

5. HOLD PUBLIC HEARING AND ORDINANCE INTRODUCTION, SALE OF RESIDENTIAL LOT, 2260 COON RAPIDS BOULEVARD
-

The Staff report was shared with Council.

Mayor Koch opened and closed the public hearing at 7:09 p.m. since no one appeared to address the Council.

Mayor Koch considered the Ordinance for the sale of a residential lot at 2260 Coon Rapids Boulevard to be introduced.

6. HOLD PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE OF CENTURYLINK CABLE TELEVISION FRANCHISE AGREEMENT
-

The Staff report was shared with Council.

_____ Bradley provided additional information to the City Council regarding the Franchise Agreement. He believed this was an historical time in the cable industry. He anticipated that competition would benefit all cable users in the metro area. He described the PRISM services that would be provided to Coon Rapids residents and discussed how CenturyLink would approach their cable network buildout.

He provided comment on the PEG channels that would be available to the City along with the proposed PEG fees.

Councilmember Klint asked if CenturyLink would have a local office for Coon Rapids residents to pick up equipment. Mr. Bradley anticipated that CenturyLink would have an office to receive payments, but would not have a specific site to pick up equipment.

Councilmember Klint questioned how Coon Rapids residents would learn about the new franchise. Mr. Bradley believed that Coon Rapids residents would be hearing a great deal about CenturyLink after the franchise was approved.

Councilmember Klint looked forward to CenturyLink having their cable services available to Coon Rapids residents.

Mayor Koch opened the public hearing at 7:32 p.m.

Patrick Hagerty, CenturyLink, thanked the Council for considering the CenturyLink franchise. He explained that his company was looking forward to bringing a competitive wireline product to the north metro cable market. He appreciated the efforts and assistance provided by City staff in drafting the franchise agreement.

Mayor Koch closed the public hearing at 7:35 p.m.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT THE CENTURYLINK CABLE FRANCHISE ORDINANCE; AND ADOPT WRITTEN FINDINGS OF FACT TO SUPPORT THE ACTION TAKEN. THE MOTION PASSED UNANIMOUSLY.

7. **HOLD PUBLIC HEARING ON LIQUOR LICENSE FEES AND CONSIDER RESOLUTION SETTING 2016 FEES AND CHARGES**

The Staff report was shared with Council.

Mayor Koch opened and closed the public hearing at 7:37 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT AN ORDINANCE TO REVISE CERTAIN LICENSE FEES, SERVICE FEES AND RELATED CHARGES EFFECTIVE JANUARY 1, 2016. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT AN ORDINANCE ESTABLISHING PERMIT AND INSPECTION FEES FOR THE BUILDING INSPECTIONS DIVISION AS AUTHORIZED BY MINNESOTA STATUTES SECTION 16B.62, SUBDIVISION 1 EFFECTIVE JANUARY 1, 2016. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER WELLS, TO RESOLUTION NO. 15-126 ESTABLISHING CERTAIN FEES AND CHARGES EFFECTIVE JANUARY 1, 2016. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 15-127 ESTABLISHING CERTAIN FEES AND CHARGES FOR USE OF CTN STUDIO FACILITIES EFFECTIVE JANUARY 1, 2016. THE MOTION PASSED UNANIMOUSLY.

BID OPENINGS AND CONTRACT AWARDS

None.

OLD BUSINESS

None.

NEW BUSINESS

8. ACCEPT FEASIBILITY AND ORDER PUBLIC HEARING AND ASSESSMENT HEARING FOR STATE AID STREET RECONSTRUCTION – PROJECT 16-1

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 16-1(4) ACCEPTING FEASIBILITY REPORT AND ORDERING A PUBLIC HEARING ON IMPROVEMENT FOR FEBRUARY 16, 2016; ADOPT RESOLUTION NO. 16-1(10) DECLARING THE COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL; AND ADOPT RESOLUTION NO. 16-1(11) SETTING AN

ASSESSMENT HEARING DATE FOR FEBRUARY 16, 2016. THE MOTION PASSED UNANIMOUSLY.

9. ACCEPT FEASIBILITY AND ORDER PUBLIC HEARING AND ASSESSMENT HEARING FOR STATE AID STREET RECONSTRUCTION – PROJECT 16-2

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 16-2(4) ACCEPTING FEASIBILITY REPORT AND ORDERING A PUBLIC HEARING ON IMPROVEMENT FOR FEBRUARY 16, 2016; ADOPT RESOLUTION NO. 16-2(10) DECLARING THE COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL; AND ADOPT RESOLUTION NO. 16-2(11) SETTING AN ASSESSMENT HEARING DATE FOR FEBRUARY 16, 2016. THE MOTION PASSED UNANIMOUSLY.

10. ACCEPT FEASIBILITY AND ORDER PUBLIC HEARING AND ASSESSMENT HEARING FOR STATE AID STREET RECONSTRUCTION – PROJECT 16-3

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 16-3(4) ACCEPTING FEASIBILITY REPORT AND ORDERING A PUBLIC HEARING ON IMPROVEMENT FOR FEBRUARY 16, 2016; ADOPT RESOLUTION NO. 16-3(10) DECLARING THE COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL; AND ADOPT RESOLUTION NO. 16-3(11) SETTING AN ASSESSMENT HEARING DATE FOR FEBRUARY 16, 2016. THE MOTION PASSED UNANIMOUSLY.

11. ACCEPT FEASIBILITY AND ORDER PUBLIC HEARING AND ASSESSMENT HEARING FOR STATE AID STREET RECONSTRUCTION – PROJECT 16-4

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 16-4(4) ACCEPTING FEASIBILITY REPORT AND ORDERING A PUBLIC HEARING ON IMPROVEMENT FOR FEBRUARY 16, 2016; ADOPT RESOLUTION

NO. 16-4(10) DECLARING THE COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL; AND ADOPT RESOLUTION NO. 16-4(11) SETTING AN ASSESSMENT HEARING DATE FOR FEBRUARY 16, 2016. THE MOTION PASSED UNANIMOUSLY.

12. CONSIDER CO-OPERATIVE AGREEMENT WITH COON CREEK WATERSHED DISTRICT FOR INSPECTION OF CITY DITCH SYSTEMS

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER WELLS, TO APPROVE THE DRAFT AGREEMENT, WHICH DELEGATES CITY DITCH INSPECTION ACTIVITIES AS NOTED ON EXHIBIT A TO THE COON CREEK WATERSHED DISTRICT (APPROVAL AT THIS TIME WOULD ALLOW INSPECTIONS TO BEGIN TAKING PLACE DURING THE FALL OF 2015 WHILE WEATHER STILL PERMITS THESE ACTIVITIES). THE MOTION PASSED UNANIMOUSLY.

13. CONSIDER REFUND OF LIQUOR LICENSE FEE FOR COON RAPIDS CHEERS PABLO

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER JOHNSON, TO REFUND THE LIQUOR LICENSE FEES FOR COON RAPIDS CHEERS PABLO AT 12759 RIVERDALE BOULEVARD. THE MOTION PASSED UNANIMOUSLY.

14. 2015 MISCELLANEOUS DRAINAGE IMPROVEMENTS

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER JOHNSON, TO AUTHORIZE THE WORK REQUESTED ON THE THREE DRAINAGE MAINTENANCE LOCATIONS NOTED, DIRECTING STAFF TO PURSUE THIS WORK WITH HYDROCON, INC. UNDER THE PREVIOUSLY APPROVED MASTER CONSULTING AGREEMENT AND RATES IDENTIFIED WITH THIS CONTRACTOR. THE MOTION PASSED UNANIMOUSLY.

15. CONSIDER RESOLUTION 16-6(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS – PROJECT 16-6, 2016 SANITARY SEWER LINING

The Staff report was shared with Council.

Councilmember Klint asked if clay pipe was the norm when homes were first built in Coon Rapids. Public Works Director Himmer stated this was the case, noting that all new construction homes have PVC pipes for sanitary sewer lines.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 16-6(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE 2016 SANITARY SEWER LINING PROGRAM. 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. There were no comments from the public.

REPORTS ON PREVIOUS OPEN MIC

16. OPEN MIC REPORT

Mayor Koch discussed the comments received at Open Mic from the November 4, 2015 City Council meeting.

The Council directed staff to speak with all local garbage haulers to see if they were willing to donate their services for a City-wide cleanup day in 2016.

Councilmember Johnson was in favor of discussing a city-wide cleanup day at a worksession meeting in early 2016.

OTHER BUSINESS

Councilmember Klint requested the wall behind the podium be painted.

City Manager Stenwedel reported City Hall would be closed on Thursday, November 26th and Friday, November 27th for Thanksgiving.

ADJOURN

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER WELLS, TO ADJOURN THE MEETING AT 8:07 P.M. THE MOTION PASSED UNANIMOUSLY.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

3.

Meeting Date: 12/01/2015

Subject: Adopt Resolution 15-121 Accepting Recycling Grant from Anoka County for the Coon Rapids Golf Course and Approve Budget Amendment for Recycling Fund

Submitted For: Colleen Sinclair, Recycling Coordinator

From: Colleen Sinclair, Recycling Coordinator

INTRODUCTION

Staff is requesting authorization to accept funds from Anoka County for a Non-Residential Recycling/Organics Grant to purchase a cardboard baler and recycling, organics and trash containers for the Bunker Hills Golf Course.

DISCUSSION

With the recent addition and growth Bunker Hills Golf Course is experiencing, more recycling is generated than the present waste/recycling enclosure can handle. The current waste contract is maxed out on the size of roll offs used and frequency of collection. After a thorough waste audit, it was determined that a large portion of waste is cardboard which fills the container and does not allow other recyclables to fit. Adding a small warehouse baler to the facility will allow baled cardboard. Revenue can be generated from the material once it has been collected and baled.

The containers for trash, recycling and organics will be added to the newly remodeled areas outside as well as the new patio. These containers will match the look of those currently in place maintaining the pleasing look of the golf course grounds.

Due to the timeline of the grant, the purchase must be completed by December 31, 2015. Thus, the items have been ordered prior to City Council approval.

RECOMMENDATION

Approve Resolution No. 15-121 Accepting the 2015 Non-Residential Recycling/Organics Grant from Anoka County and Amending the 2015 Recycling Fund Budget.

BUDGET IMPACT:

All costs for these items will be reimbursed through Anoka County once an invoice is received. Any costs above the \$10,000 grant limit will be covered by the SCORE grant.

Attachments

Quotes-Golf Course

Res No. 15-121



Anoka County

PARKS & COMMUNITY SERVICES DIVISION

Respectful, Innovative, Fiscally Responsible

Parks and
Recreation

Recycling &
Resource Solutions

License Bureau

October 16, 2015

Colleen Sinclair
City of Coon Rapids
1831 111th Ave NW
Coon Rapids, MN 55433

Your Anoka County Non-Residential Recycling/Organics Grant request for a cardboard baler and recycling containers to be used at the Bunker Hills Golf Course has been approved. The County agrees to reimburse the City of Coon Rapids an amount not to exceed \$10,000.

As part of receiving this grant, the City has agreed to report volumes/weights of materials collected on a semi-annually basis.

The recycling and organics collection containers and cardboard baler will help the county reach its recycling and organics recovery goals set by the State of Minnesota.

Please let me know if you have any questions. I can be reached at amy.ulbricht@co.anoka.mn.us or 763-323-5737.

Sincerely,

Amy Ulbricht
Commercial Waste Management Specialist



MTI Distributing, Inc.
Expiration Date: 11-30-15
Quote Name: Coon Rapids
Quote ID: 1799979

**City of Coon Rapids
Equipment Quote
Attention: Colleen Sinclair
Nov. 5th, 2015**

Qty	Model Number	Description	Unit Price	Extension
5	PA3820	Green Trash Pro	\$290.00	\$1,450.00
11	PA3821	Black Trash Pro	\$290.00	\$3,190.00
4	PA3823	Caramel Trash Pro	\$290.00	\$1,160.00

TOTALS	
Equipment Total	\$5,800.00
Total	\$5,800.00

New Toro commercial equipment comes with a two-year manufacturer warranty
Equipment delivery at no additional charge
Applicable sales tax is not included in quoted pricing



Thank you for the opportunity to submit this quote. If you have any questions, please do not hesitate in contacting us.

Bob Frank
Outside Sales Rep
612-877-0837

MTI Distributing, Inc.
4830 Azelia Avenue N. #100
Brooklyn Center, MN 55429

Mandi Prinsen
Inside Sales Rep
763-592-5641



Quotation

City of Coon Rapids
Amanda Bednar
1831-111th Avenue NW
Coon Rapids, MN 55433

Date: November 4, 2015
Quotation No: DR110415

Qty:	1	WC30 Stockroom Baler	\$4,100.00
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Grand Total: _____ **\$4,100.00**

Customer Responsibility: To provide electrical supply, lifts and unload equipment.

Warranty: Manufactures implied warranties

Terms: 50% with purchase order, balance upon installation completion

Delivery: 1-2 weeks upon receipt of order

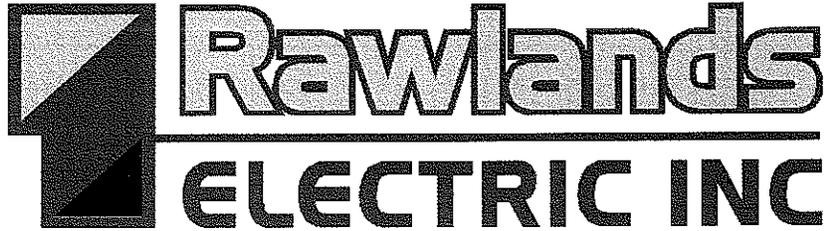
Freight: F.O.B.

***This Quote holds for 30 days from above date**

Respectfully submitted by:

Dan Rumsey
Zero Waste Manufacturing
612-816-1262
dan@zerowastemfg.com

Zero Waste Manufacturing • Howard Lake, MN
Remit to address • 4530 US Hwy. 281 South • Stephenville, TX 76401



763 772 4224

fax 763 427 1581
rawlandselectric@comcast.net

763 350 4942

Thursday, November 19, 2015
Bunker Hills Golf Course
Baler

Coleen,

Rawlands Electric proposes to provide all labor and material for the following at the above location:

- Provide 20A, 2 pole bolt in circuit breaker and 240v circuit from electric room to baler location (Includes 70' conduit and one core drill).
- Install 20a 250v twist lock receptacle for baler.

Price: \$650.00

Thank you,

Duane Nelson
Rawlands Electric, Inc.
763-772-4224
E-mail: dnelson@rawlandselectric.com

Prices good for 60 days of proposal date.

RESOLUTION NO. 15-121

**RESOLUTION ACCEPTING THE 2015 NON-RESIDENTIAL
RECYCLING/ORGANICS GRANT FROM ANOKA COUNTY AND AMENDING THE
2015 RECYCLING FUND BUDGET**

WHEREAS, the City applied for and was authorized to receive additional 2015 grant funds in the amount of \$10,000; and

WHEREAS, the Golf Course is in need of a cardboard baler to handle the increased amount of cardboard waste; and

WHEREAS, the total cost to complete the purchase is estimated to be \$10,550, which includes a cardboard baler, electrical installation, and recycling/organics/trash containers to meet the increased needs of the facility; and

WHEREAS, Anoka County will reimburse the costs in the amount up to \$10,000 and all costs above that will be covered by the Recycling SCORE grant; and

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

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

WHEREAS, Section 1-700 of the City Charter provides for adoption of an annual budget and the subsequent amendments; and

WHEREAS, capital outlay purchases must specifically be identified and funded per the City Code 2-803.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota to accept the grant funds from Anoka County for \$10,000 for the purchase of a cardboard baler, electrical installation, and recycling/organics/trash containers; and

BE IT FURTHER RESOLVED to amend the Recycling Fund Capital Outlay Budget in the amount of \$10,550.

Adopted this 1st day of December, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

4.

Meeting Date: 12/01/2015

Subject: Authorize Staff to Apply for 2015 SCORE Grant Funding from Anoka County

Submitted For: Colleen Sinclair, Recycling Coordinator

From: Colleen Sinclair, Recycling Coordinator

INTRODUCTION

Staff requests authorization from the City Council to apply for additional Select Committee on Recycling and the Environment (SCORE) funds being offered by Anoka County to benefit the Recycling Drop Off Center.

DISCUSSION

Anoka County is offering additional funding to cities, prior to year end, to enhance current recycling programs.

Due to 2015 budgeted SCORE funds running low, the cart tipper that was previously approved to purchase by the City Council was going to be shifted into 2016. The cart tipper will help consolidate work flow and improve safety at the Recycling Center. Due to the special nature of the cart tippers fabrication, new receiving carts will also be required for improved efficiency. The total cost of the tipper, carts, and installation is estimated at \$14,784.56. The requested grant funding will allow staff to purchase the needed items in 2015 rather than 2016, and allow the vendor to begin assembling the items for delivery.

RECOMMENDATION

Staff recommends that the City Council authorize staff to apply for the grant through Anoka County for additional SCORE funding.

BUDGET IMPACT:

The grant offered is a reimbursement grant; all purchases made by the City will be reimbursed once invoiced. The total amount requested in additional SCORE funding is \$14,784.56.

Attachments

Grant Application

2015 ADDITIONAL GRANT APPLICATION FORM

Application Due – 4:30 PM, Wednesday, September 30, 2015

\$25,000 available per grant – Preference will be given to those communities that are currently spending all enhancement funding on innovative, new program ideas and are in need of additional funds to continue a program throughout the year or add an additional enhancement activity.

(Grant applications must be submitted using this form – All sections must be completed)

E-mail Signed Copy to: sue.doll@co.anoka.mn.us

Or Mail Signed Copy to: Sue Doll
Recycling and Resource Solutions Department
Field Operations Building
1530 Bunker Lake Boulevard NW
Andover, MN 55304

Applicant Information:

Name of Entity: City of Coon Rapids
Contact Person: Colleen Sinclair Title: Recycling Coordinator
Address: 1831 111th Avenue NW
City, State, Zip: Coon Rapids, MN 55433
Phone: 763-767-6485 Email: csinclair@coonrapidsmn.gov

Project Title: Cart Tipper & Carts

Grant Request: \$14,784.56 Total Project Cost: \$14,784.56

Authorizing Signature: The signature of the person who has the authority to enter into a contract with Anoka County on behalf of your municipality (e.g., City Manager, Administrator, etc.).

Name (Printed) Matt Stemwedel Title: City Manager

Signature: 

1. Project Description:

Provide a brief, one page or less, project description. The project description should address:

- project scope and design;
- expected outcomes – increased tons from this project;
- if the project will benefit multiple municipalities or the county as a whole;
- current relevant practices and what practices will be changed during the project;
- key individuals participating in project activities, including any project collaborators;
- overall project timeline; and
- why project is compelling and worthy of funding.

The Coon Rapids Recycling Center has been accepting plastics 1-7 for many years from Anoka County residents. Plastics are collected in Gaylord cages and when ready to process requires three staff members to tip the cages and shovel the plastic material into the baler door. With the growth the Recycling Center has seen this becomes very time consuming and leaves us short staffed in other areas. A cart tipper was introduced to us through one of our vendors. The cart tipper lifts carts in the air and tips or pours the material into the baler door using gravity the material flows nicely out of the containers. Our current metal containers are not an ideal fit for this process and could possible create some safety issues, so new carts built to aid the machine itself need to be provided as well.

The Recycling Center services residents as well as small businesses of all of Anoka County, and will continue benefiting them into the future.

The unit itself is custom built to fit our baler and takes about 4 weeks to build. Our expected delivery once the order is placed is 4-6 weeks with electrical install provided by a City contract.

With Coon Rapids providing full time service to all residents and the growth we see, our current practice is just not a long term fix. Advancing with newer technology and machinery will allow us to be more efficient and process more material at a faster rate.

2. Proposed Project Tasks, Work Plan, and Timeline:

List/describe the main tasks that your organization will undertake and the estimated timeline for each task.

Cart tipper is needed to assist recycling staff with baling of plastic 1-7 collected at drop off center. New carts will be needed, as current carts will not work and have safety concerns.

3. Project Budget:

Provide a detailed budget. Provide a detailed budget including expenses for staff, printing, copying, mailing, equipment, materials etc.

<u>Tasks/Items</u>	<u>Costs</u>
Cart Tipper	\$6,000.00
Electrical Hook Up	\$500.00
12 Carts (\$551.92/each)	\$6,623.04
12 Lids for Carts (\$138.46/each)	\$1,661.52
TOTAL	\$14,784.56

4. Program/Project Benefits:

Describe how the project will enhance your current recycling efforts. Make sure to let us know about projects that will benefit multiple municipalities or the county as a whole. Provide as many quantitative measures as possible and note how you will measure the effectiveness of your project.

Currently, baling plastic is time consuming and requires a minimum of three Staff working at the same time. This tipper will allow the City to bale more frequently, using less Staff. Coon Rapids is a collection site for all of Anoka County.



Quotation

City of Coon Rapids
Colleen Sinclair
1831 - 111th Avenue NW
Coon Rapid, MN 55433

Date: November 16, 2015
Quotation No: DR111615

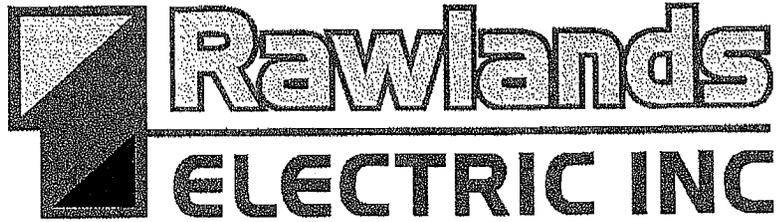
To Supply:

Qty:	1	Cart Tipper to fit existing baler and carts	\$5,000.00
Specifications:		<ul style="list-style-type: none">- 2 hp motor- Simple controls- Small chute to funnel bottles into baler- 800 lbs capacity	
Qty:	1	Installation	\$650.00
Qty:	1	Freight	\$350.00

Grand Total:

\$6,000.00

Qty:	1	Standard Duty Tilt Cart (optional)	\$791.15
		<ul style="list-style-type: none">- 1.1 cubic yard- 69"L x 31.5"W x 39.5"H- 2-10" rubber on Cast steel wheels- 2-4" medium-duty casters- Weight Capacity: 1400lbs- Modified front bar	



763 772 4224

fax 763 427 1581
rawlandselectric@comcast.net

763 350 4942

Colleen Sinclair
City of Coon Rapids
Recycle Center

Colleen,

Rawlands Electric proposes to provide all labor and material to do the following work at the above location:

- Furnish and install 220v. 20 amp outlet for cart tipper.

Price not to exceed \$500.00

Thank you,

Duane Nelson
Rawlands Electric, Inc.
E-mail: rawlandselectric@comcast.net
763-772-4224

Prices good for 60 days of proposal date.



Qty: 12 Hinged lid for 1.1 Tilt Truck \$138.46/ea

Grand Total

\$1,661.52

Customer Responsibility: To provide electrical supply, lifts and unload equipment.

Warranty: Manufactures implied warranties

Terms: 50% with purchase order, balance upon installation completion

Delivery: 6-8 weeks upon receipt of order, dependent on scheduling

**This Quote holds for 30 days from above date*

Respectfully submitted by:

Dan Rumsey
Zero Waste Manufacturing
612-816-1262
dan@zerowastemfg.com

Zero Waste Manufacturing • Howard Lake, MN
Remit to address • 4530 US Hwy. 281 South • Stephenville, TX 76401



City Council Regular

5.

Meeting Date: 12/01/2015

Subject: Establish New Polling Location for Precincts 1-1 and 1-2

From: Joan Lenzmeier, City Clerk

INTRODUCTION

Council is asked to designate a new polling location for Precincts 1-1 and 1-2.

DISCUSSION

The Clerk's Office has been informed by Coon Rapids Free Church that the Church no longer wishes to serve as a polling location for elections.

Staff has made arrangements with the Anoka County Sheriff's Office to utilize the community room space in their building located at 13301 Hanson Blvd NW to vote Precincts 1-1 and 1-2 for both the special election to be held in February and the general election to be held in November of 2016.

Staff has verified that this building location meets the necessary statutory requirements for polling locations, cleared the use of this facility with Anoka County Elections, and recommends adoption of the Resolution Establishing Polling Location for Precincts 1-1 and 1-2 at the Anoka County Sheriff's Office, 13301 Hanson Blvd NW.

RECOMMENDATION

Adopt Resolution 15-133, a Resolution Establishing Polling Location for Precincts 1-1 and 1-2 at Anoka County Sheriff's Office, 13301 Hanson Blvd NW.

Attachments

Resolution 15-133

RESOLUTION 15-133

**RESOLUTION ESTABLISHING POLLING LOCATION FOR
PRECINCTS 1-1 AND 1-2
AT ANOKA COUNTY SHERIFF'S OFFICE,
13301 HANSON BOULEVARD**

WHEREAS, the Coon Rapids City Council adopted Resolution 12-67 on May 15, 2012 which established polling locations for each precinct; and

WHEREAS, the City previously used Coon Rapids Free Church, 2650 128th Avenue NW, as the polling location for Precincts 1-1 and 1-2; and

WHEREAS, Coon Rapids Free Church is no longer available as a polling location; and

WHEREAS, the Anoka County Sheriff's Office, 13301 Hanson Boulevard is located within one mile of the precinct boundaries for Precincts 1-1 and 1-2; and

WHEREAS, State law requires that the City Council designate polling locations by Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Coon Rapids, Minnesota that in compliance with the terms and provisions of Minnesota Statutes Section 204B.16, the polling location for Precincts 1-1 and 1-2 is hereby established at Anoka County Sheriff's Office, 13301 Hanson Boulevard for 2016 and all future elections.

Adopted by the Coon Rapids City Council this 1st day of December, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

6.

Meeting Date: 12/01/2015

Subject: Approve Temporary On-Sale 3.2% Malt Liquor License for Men's Night at Epiphany Church

From: Stephanie Lincoln, Deputy City Clerk

INTRODUCTION

Jay Tomaszewski, on behalf of Epiphany Church, 1900 111th Avenue NW, has applied for a temporary on-sale 3.2% malt liquor license to be used at Men's Night on December 11th, 2015.

DISCUSSION

The appropriate fees have been paid, the Certificate of Insurance for liquor liability is on file, and Mr. Tomaszewski has a pending background investigation with the Police Department.

The On-sale 3.2% malt liquor license will be valid from 6:00 to 11:30 p.m. on Friday, December 11th, contingent upon a successful background investigation from the Police Department.

RECOMMENDATION

Council approval of a temporary 3.2% malt liquor license for Epiphany Church for use at Men's Night on December 11th, 2015 contingent upon a successful background investigation.



City Council Regular

7.

Meeting Date: 12/01/2015

Subject: Truth-In-Taxation Hearing and Adoption of 2016 Budget and Tax Levy

Submitted For: Sharon Legg, Finance Director **From:** Sharon Legg, Finance Director

INTRODUCTION

The City Council must hold a Truth-In-Taxation (TNT) hearing and consider adoption of the 2016 budget and tax levy.

DISCUSSION

The proposed 2016 City budget was discussed at a work session on August 11, 2015. At the September 15, 2015 Council meeting, a preliminary levy was certified to the County and December 1, 2015 was set as the Truth-in-Taxation public meeting at which the proposed budget for taxes payable year 2016 must be presented and discussed. At the hearing, the public must be given a reasonable amount of time to comment on the proposed property tax levy and budget and to ask questions. Staff is prepared to make a short budget presentation at tonight's City Council meeting.

Two changes have occurred since the workshop on August 11:

1. The proposed tax levy has been reduced by \$107,560 due a higher than necessary levy initially used for the Bonds of 2010 debt service. This reduction results in a levy of \$24,873,760, which is 2.53 percent more than the 2015 levy. At the workshop, it was 2.99 percent.
2. The amount of value received from the fiscal disparity pool was less than estimated in August. It is calculated based on the City's per capita fiscal capacity as compared to the other cities in the metro area. The per capita fiscal capacity increased due to more tax base value. Because Coon Rapids is getting less value from the pool, it results in a higher tax rate. (Dollars levied by a lower tax base raises the rate.)

During the August workshop, staff anticipated that the tax rate would be 44.305. It is now estimated to be 44.84. Truth-in-Taxation notices reflect the lower distribution from fiscal disparities, but do not reflect the reduction of \$107,560. Therefore, final City taxes should be lower than what has been computed for the truth in taxation notices.

After the public hearing, resolutions adopting the budget and the tax levy are included for adoption.

RECOMMENDATION

Staff recommends:

- a. Conduct the Truth-In-Taxation hearing.
- b. Approve Resolution 15-130 adopting the 2016 budget.
- c. Approve Resolution 15-131 adopting the 2016 tax levy.

Attachments

RS No. 15-130

RS No. 15-131

RESOLUTION NO. 15-130

RESOLUTION ADOPTING THE 2016 BUDGET

WHEREAS, the City Charter requires the City Manager to prepare a budget for all funds of the City;
and

WHEREAS, the City Manager's proposed budget was presented to the City Council on August 5,
2015, well before the Charter requirement of the first meeting in September; and

WHEREAS, a tax levy for debt service payable February 1, 2016 for the G.O. Park Bonds has been
included in the revenues; and

WHEREAS, the 2016 proposed budget was discussed at the Truth-In-Taxation hearing on December
1, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Coon Rapids City Council hereby adopts the
2016 budget as presented, a summary of which follows:

REVENUES	
General Fund	
General Property Taxes	\$19,177,680
Licenses and Permits	1,687,140
Fines and Forfeitures	320,500
Investment Income	221,000
Intergovernmental	2,257,504
Charges from Current Services	1,919,840
Other	3,790,537
Total General Fund Revenues	29,374,201
Transfer from Other Funds	47,000
Total General Fund Revenues including Transfers	29,421,201
Other Funds	
Special Revenue Funds	2,600,659
Debt Service Funds	4,704,212
Capital Project Funds	4,632,873
Enterprise Funds	20,121,570
Internal Service Funds	263,000
Total Other Funds	32,322,314
Other Financing Sources	
Bond Proceeds	17,675,000
Transfers from Other Funds	<u>2,965,898</u>
Total Revenues and Other Sources	<u>\$82,384,413</u>

EXPENDITURES

General Fund

General Government	\$ 4,182,978
Public Safety	14,711,314
Community Services	579,136
Community Development	2,023,193
Maintenance Services	7,243,193

Total General Fund Expenditures 28,739,814

Transfer to Other Funds 678,000

Total General Fund Expenditures
including Transfers 29,417,814

Other Funds

Special Revenue	2,323,681
Debt Service	3,338,019
Capital Project	22,288,839
Enterprise	20,381,846
Internal Service Funds	919,000

Total Other Funds 49,251,385

Transfers to Other Funds 2,334,898

Total Expenditures and Transfers \$81,004,097

Adopted by the Coon Rapids City Council this 1st day of December, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk

RESOLUTION NO. 15-131

**RESOLUTION ESTABLISHING 2016 TAX LEVY FOR
THE CITY OF COON RAPIDS**

WHEREAS, the Legislature of the State of Minnesota has enacted legislation providing for City certification of a final 2016 property tax levy prior to December 28, 2015; and

WHEREAS, the City Council has reviewed and adopted the 2016 budget and reviewed the tax levy as proposed by the City Manager; and

WHEREAS, the City held a truth-in-taxation public hearing on the levy on December 1, 2015; and

WHEREAS, a special election was held on November 5, 2013 in which the electorate authorized general obligation bonds to finance a \$17.4 million parks, open space and trail system project; and

WHEREAS, the payable 2016 tax levy will include \$450,332 for the debt service in addition to \$760,611 for park improvements in accordance with stated referendum tax impacts.

NOW, THEREFORE, BE IT RESOLVED that the amounts listed below are given final certification for collection with payable 2016 taxes:

<u>City Wide Levies</u>	
General Fund	\$19,177,680
Capital Projects	2,930,986
Debt Service	
Special Assessment levy against city property	20,000
Bonds of 2008 (2008 Construction)	153,788
Bonds of 2010	84,934
Bonds of 2013A	188,388
Bonds of 2013 B	203,645
Bonds of 2014	300,555
Bonds of 2015	200,855
EDA Lease Revenue Bonds	987,597
Equipment Certificates of 2012 (10 years)	100,000
Equipment Certificates of 2014	75,000
G.O. Park Bonds	450,332
 TOTAL CITY WIDE LEVY	 24,873,760
 HRA Levy	 <u>725,000</u>
 TOTAL	 <u>\$25,598,760</u>

BE IT FURTHER RESOLVED that the City Council cancel levies of \$60,000 for the G.O. Improvement Bonds of 2013 due to there being sufficient funds available to pay debt service.

Adopted by the Coon Rapids City Council this 1th day of December, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

8.

Meeting Date: 12/01/2015

Subject: Levy of Misc. 2016(1) Assessments

Submitted For: Sharon Legg, Finance Director

From: Heidi Cederstrand, Assessment Clerk II

INTRODUCTION

After an assessment hearing, the unopposed 2016 (1) Miscellaneous Special Assessments should be adopted.

DISCUSSION

The amount to be assessed for the 2016(1) Miscellaneous Assessments is \$80,770.94 as of November 24, 2015. The amount reflects payments and adjustments that have been made since November 17 when the assessment hearing date was set. An updated amount will be distributed on December 1 and affected resolutions will be completed at that time.

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

The Board of Adjustment and Appeals is expected to meet on January 7, 2016 and will make a recommendation to the City Council at the January 19, 2016 Council meeting.

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

RECOMMENDATION

Staff recommends the following action by the Council:

- a. Hold assessment hearing to collect written appeals.
- b. Adopt Resolution 15-135 adopting 2016(1) Miscellaneous Special Assessments (unopposed one year).
- c. Adopt Resolution 15-136 adopting 2016(1) Miscellaneous Special Assessments (unopposed three year).

Attachments

Res. MISC. 2016(1)-1 Year

Res. MISC. 2016(1)-3 Year

RESOLUTION NO. 15-135

**RESOLUTION ADOPTING 2016(1) MISCELLANEOUS SPECIAL ASSESSMENTS
(ONE YEAR)**

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

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

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

2. Such assessments shall become payable in annual installments, commencing with the first Monday in January 2017, and shall bear interest at the rate of 1.23% 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, 2017. 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, 2016), 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 1st of December 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk

RESOLUTION NO. 15-136

**RESOLUTION ADOPTING 2016(1) MISCELLANEOUS SPECIAL ASSESSMENTS
(THREE YEAR)**

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

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

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

2. Such assessments shall become payable in annual installments, commencing with the first Monday in January 2017, and shall bear interest at the rate of 1.77% 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, 2017. The total amount of the three-year assessment is \$.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the Director of the Anoka County Records and Taxation Division (but no later than November 14, 2016), 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 1st of December 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

9.

Meeting Date: 12/01/2015

Subject: Hold Currency Exchange License Public Hearing and Consider License Renewal for Pawn America

From: Stephanie Lincoln, Deputy City Clerk

INTRODUCTION

The Minnesota Department of Commerce has forwarded for Council consideration the currency exchange license renewal of Pawn America Minnesota, 15 Coon Rapids Boulevard.

DISCUSSION

Minnesota Statutes Chapter 53A.04 requires the governing body to hold a public hearing and render a decision regarding the license renewal within 60 days, or by December 28, 2015. The notice of public hearing was published in the Anoka County Union Herald on November 20, 2015.

The Minnesota Department of Commerce conducted a state level background review on the appropriate personnel. No matters which would impact concurrence with the license were discovered.

Pawn America's fee schedule is attached.

RECOMMENDATION

Pawn America Currency Exchange License Renewal:

- a. Conduct public hearing;
- b. Concur with the Minnesota Department of Commerce Renewal of the 2016 currency exchange license for Pawn America Minnesota, 15 Coon Rapids Boulevard.

Attachments

2016 Fee Schedule - Pawn America

PAWN AMERICA MINNESOTA

Check Cashing FEE SCHEDULE

CHECK ISSUED BY GOVERNMENT ENTITY

\$2.00 OR 2% of face value of check depending on card program in which you are enrolled.

CHECK ISSUED AS PAYROLL IN ANY AMOUNT

\$2.00 OR 2% of face value of check depending on card program in which you are enrolled.

INSURANCE CHECK AND BANK MONEY ORDERS

\$2.00 OR 2% of face value of check depending on card program in which you are enrolled.

SOCIAL SECURITY CHECKS

\$2.00 OR 2% of face value of check depending on card program in which you are enrolled.



City Council Regular

10.

Meeting Date: 12/01/2015

Subject: Consider Ordinance Authorizing Sale of Residential Lot, 2260 Coon Rapids Boulevard

From: Matt Brown, Economic
Development Coordinator

INTRODUCTION

The Council is asked to adopt an ordinance authorizing the sale of a single-family lot at 2260 Coon Rapids Boulevard.

DISCUSSION

The property at 2260 Coon Rapids Boulevard was acquired by the City in 2003. At that time, the City was interested in acquiring several properties along the south frontage road of Coon Rapids Boulevard that abut the Riverview Park reservoir. An older house on the property was demolished after acquisition. Since that time, Staff has determined that it would be very costly and no longer feasible to acquire all the properties adjacent to the reservoir. Tollberg Homes, LLC has offered \$55,000 for the lot. An offer to purchase the property for its list price of \$65,000 fell through earlier this fall after a lender's appraisal did not support the projected value of the proposed house. Staff feels that the proposed \$55,000 sale price reflects market value. Tollberg Homes is currently constructing a similar house on a lot at 1607 103rd Avenue that was purchased from the HRA earlier this year.

The Council is asked to adopt an ordinance authorizing conveyance of the property. The ordinance was introduced at the November 17th Council meeting. The City's Charter requires that any land sale is authorized by ordinance. The Council is also asked to approve a purchase and redevelopment agreement stipulating the terms of the sale and construction of the house. The agreement binds the buyer to constructing the proposed house by December 31, 2016 and also provides for the return of title to the City if the buyer should fail to perform as agreed.

RECOMMENDATION

Staff recommends that the Council:

- a. Adopt the ordinance authorizing conveyance of the property at 2260 Coon Rapids Boulevard to Tollberg Homes, LLC.
- b. Approve the purchase and redevelopment agreement with Tollberg Homes, LLC.
- c. Authorize the Mayor and City Manager to execute the deed.
- d. Authorize Staff to execute other closing documents as necessary to close on the property.

Attachments

Location Map

Ordinance

Purchase and Redevelopment Agreement

House Plan



ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE SALE OF REAL ESTATE, LOT 8 AND NORTHWESTERLY HALF OF LOT 9, BLOCK 1, OAKDALE

Preamble:

- A. The City is the owner of real estate described as Lot 8 and Northwesterly Half of Lot 9, Block 1, Oakdale, Anoka County, Minnesota (the "Property").
- B. The City purchased the Property in 2003 to expand public access to the adjacent public land.
- C. The City Council finds that the Property is no longer needed to provide adequate access to the adjacent public land.
- D. The City Council finds that the highest and best use of the Property is single-family residential and the City has listed the Property for sale for construction of a single-family home.
- E. Tollberg Homes, LLC has agreed to purchase the property for \$55,000 and construct a single-family home.

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

Section 1. The conveyance of the following property to Tollberg Homes, LLC is hereby authorized: Lot 8 and Northwesterly Half of Lot 9, Block 1, Oakdale, Anoka County, Minnesota.

Section 2. The Mayor and City Manager are hereby authorized to execute a Purchase and Redevelopment Agreement, deed, and all other necessary documents to effectuate the conveyance.

Section 3. The proceeds of the sale, \$55,000, are directed to be paid into the City's water fund.

Introduced this 17th day of November, 2015

Adopted this the 1st day of December, 2015

Jerry Koch, Mayor

Attest:

Joan Lenzmeier, City Clerk

PURCHASE AND REDEVELOPMENT AGREEMENT

2260 Coon Rapids Boulevard

22-31-24-23-0013

1. Parties. This Purchase and Redevelopment Agreement is made on December 1, 2015 between the CITY OF COON RAPIDS, a municipal corporation, having its office located at 11155 Robinson Drive, Coon Rapids, Minnesota 55433 (Seller), and TOLLBERG HOMES, LLC a Minnesota Corporation (Buyer).

2. Offer/Acceptance. Buyer offers to purchase and Seller agrees to sell real property legally described as follows (the Property):

Lot 8 and Northwesterly Half of Lot 9, Block 1, Oakdale, Anoka County, Minnesota.

3. Price and Terms. The price for the Property is *Fifty-five Thousand Dollars (\$55,000)*, which Buyer shall pay as follows:

- a. Earnest money in the total amount of \$1,650.00 by certified check payable to the Seller upon execution of this Agreement. All earnest money shall be applied towards the purchase price.
- b. The balance of the purchase price by certified check on the date of closing
- c. The Date of Closing shall be within thirty (30) days of the date of this agreement unless otherwise mutually agreed upon by the parties.

4. Document to be delivered at closing. On the closing date, Buyer shall deliver to Seller the balance of the purchase price and Seller shall deliver to Buyer:

- a. A duly executed general warranty deed, conveying marketable title to the Property to Buyer, subject only to the performance of the Buyer as described in Section 12 and to:
 - i. Building and zoning laws, ordinances, State and Federal regulations;
 - ii. Utility and drainage easements which do not interfere with Buyer's intended use of the Property; and
 - iii. Reservation of any minerals or mineral rights to the State of Minnesota.
- b. A duly executed affidavit of Seller.
- c. All documents necessary to establish marketable title to Buyer.

5. Real Estate Taxes and Special Assessments. On or before the Date of Closing, Seller will pay all delinquent real estate taxes, penalties, and interest, if any. Real estate taxes due and payable in

the year of closing will be prorated between Buyer and Seller as of the Date of Closing. Seller shall pay on Date of Closing all special assessments levied against the Property as of the date of this agreement. Seller represents that there are no special assessments pending as of the date of this agreement. If a special assessment becomes pending after the date of this agreement and before the Date of Closing, Buyer may, as Buyer's option:

- a. Assume payment of the pending special assessment without adjustment to the purchase agreement price of the property; or
- b. Require Seller to pay the pending special assessment and Buyer shall pay a commensurate increase in the purchase price of the Property, which increase shall be the same as the estimated amount of the assessment; or
- c. Declare this agreement null and void by notice to Seller, and earnest money shall be refunded to Buyer.

6. Marketability of Title. Buyer shall have ten (10) days after the date of this Agreement to examine the title to the Property and to deliver written objections to title, if any, to Seller. Seller shall have thirty (30) days after receipt of written objections to cure title defects. Upon receipt of Buyer's title objections, Seller shall, within ten (10) business days, notify Buyer of Seller's intention to make title marketable within the 30-day period. Seller shall permit no additional encumbrances to be made upon the Property between the date of this Agreement and the Date of Closing.

7. Title Clearance and Remedies. In the event that title to the Property cannot be made marketable or is not made marketable by the Seller by the Date of Closing, then, at the option of the Buyer: this Purchase Agreement shall be null and void; neither party shall be liable for damages hereunder to the other; the Earnest Money, if any, shall be refunded to the Buyer; and Buyer and Seller agree to sign a cancellation of this Purchase Agreement.

- a. If title is marketable, or is made marketable as provided herein, and Buyer defaults in any of the agreements herein, Seller may elect either of the following options, as permitted by law:
 - i. Cancel this contract as provided by statute and retain all payments made hereunder as liquidated damages. The parties acknowledge their intention that any note given pursuant to this contract is a down payment note, and may be presented for payment notwithstanding cancellation;
 - ii. Seek specific performance within six months after such right of action arises, including costs and reasonable attorney's fees, as permitted by law.
- b. If title is marketable, or is made marketable as provided herein, and Seller defaults in any of the agreements herein, Buyer may, as permitted by law:
 - i. Seek damages from Seller including costs and reasonable attorney's fees;

- ii. Seek specific performance within six months after such right of action arises.

8. Condition of Property. Buyer acknowledges that it has inspected or has had the opportunity to inspect the Property and agrees to accept the Property AS IS. Buyer has the right, at its own expense, to perform a geotechnical evaluation within 10 days of execution of this Agreement for the purpose of determining if the soil is suitable for construction of the dwelling noted in Section 12 below. If the geotechnical evaluation indicates that the soil corrections required to construct the dwelling would make construction cost-prohibitive, the Buyer may rescind this agreement by written notice to the Seller, in which case the agreement shall be null and void and all earnest money paid hereunder shall be refunded to the Buyer. Written notice of rescission must be served upon the Seller within 20 days of execution of this Agreement. Seller makes no warranties as to the condition of the Property, except that the Seller warrants that public water and public sewer services are available at the Property.

9. Well Disclosure.

Seller certifies that Seller does not know of any wells on the property; OR

Wells on the subject real property are disclosed by Seller on the Well Disclosure form attached to this agreement as Exhibit A.

10. Individual Sewage Treatment System Disclosure.

Seller certifies that there is no individual sewage treatment system on or serving the property; OR

Individual sewage treatment systems on or serving the property are disclosed by seller on the attached disclosure statement.

11. Methamphetamine Disclosure. To the best of Seller's knowledge, methamphetamine production has not occurred on the Property.

12. Construction of Dwelling. Buyer agrees that it will construct or pay for the construction of a new single family dwelling on the property. This covenant shall survive the delivery of the deed.

a. The single family dwelling constructed in accordance with this Section shall be referred to as the "Minimum Improvements".

b. The Minimum Improvements shall be those shown in the proposal which was submitted to and approved by the Seller on November 3, 2015 and which is attached to this Agreement as Exhibit B. The Minimum Improvements shall be built in accordance with the Site and Building Standards attached as Exhibit C.

c. **Deadline for Construction.** Construction of the dwelling on the property must be substantially completed by December 31, 2016. The dwelling shall be judged to have been “substantially completed” when the Minimum Improvements have been completed and the final Certificate of Occupancy for the Minimum Improvements has been issued by the Building Official.

d. Promptly after substantial completion of the Minimum Improvements in accordance with those provisions of the Agreement relating solely to the obligations of the Buyer to construct such Minimum Improvements (including the date for completion thereof), the Seller will furnish the Buyer with a Certificate of Completion for such improvements. Such certification by the Seller shall be (and it shall be so provided in the deed and in the certification itself) a conclusive determination of satisfaction and termination of the agreements and covenants in the Agreement and in the deed with respect to the obligations of the Buyer and its successors and assigns, to construct the Minimum Improvements and the dates for completion thereof.

The certificate provided for in this Section of this Agreement shall be in such form as will enable it to be recorded in the proper office for the recordation of deeds and other instruments pertaining to the Property. If the Seller shall refuse or fail to provide any certification in accordance with the provisions of this Section, the Seller shall, within thirty (30) days after written request by the Buyer, provide the Buyer with a written statement, indicating in adequate detail in what respects the Buyer has failed to complete the Minimum Improvements in accordance with the provisions of the Agreement, or is otherwise in default, and what measures or acts it will be necessary, in the opinion of the Seller for the Buyer to take or perform in order to obtain such certification.

The construction of the Minimum Improvements shall be deemed to be substantially completed when the Buyer has received a final certificate of occupancy from the responsible inspecting authority.

13. Time is of the essence for all provisions of this contract.

14. Notices. All notices required herein shall be in writing and delivered personally or mailed to the address shown in Section 1 above and, if mailed, are effective as of the date of mailing.

15. Minnesota Law. This contract shall be governed by the laws of the State of Minnesota.

16. Nonassignable Agreement. This Agreement may not be assigned. In the event of the death of the Buyer before the Date of Closing, this Purchase Agreement shall be null and void, and all Earnest Money shall be paid to the Buyer’s estate.

17. Revesting Title in Seller upon Happening of Event Subsequent to Conveyance to Buyer. In the event that subsequent to conveyance of the Property or any part thereof to the Buyer and prior to receipt by the Buyer of the Certificate of Completion for of the Minimum Improvements, the Buyer, subject to Unavoidable Delays (as hereafter defined), fails to carry out its obligations with respect to the construction of the Minimum Improvements (including the nature and the date for the

completion thereof), or abandons or substantially suspends construction work, and any such failure, abandonment, or suspension shall not be cured, ended, or remedied within thirty (30) days after written demand from the Seller to the Buyer to do so, then the Seller shall have the right to re-enter and take possession of the Property and to terminate (and revert in the Seller) the estate conveyed by the Deed to the Buyer, it being the intent of this provision, together with other provisions of the Agreement, that the conveyance of the Property to the Buyer shall be made upon, and that the Deed shall contain a condition subsequent to the effect that in the event of any default on the part of the Buyer and failure on the part of the Buyer to remedy, end, or abrogate such default within the period and in the manner stated in such subdivisions, the Seller at its option may declare a termination in favor of the Seller of the title, and of all the rights and interests in and to the Property conveyed to the Buyer, and that such title and all rights and interests of the Buyer, and any assigns or successors in interest to and in the Property, shall revert to the Seller, but only if the events stated in this Section have not been cured within the time periods provided above.

Notwithstanding anything to the contrary contained in this Section, the Seller shall have no right to reenter or retake title to and possession of a portion of the Property for which a Certificate of Completion has been issued.

For the purposes of this Agreement, the term "Unavoidable Delays" means delays beyond the reasonable control of the Buyer as a result thereof which are the direct result of strikes, other labor troubles, prolonged adverse weather or acts of God, fire or other casualty to the Minimum Improvements, litigation commenced by third parties which, by injunction or other similar judicial action, directly results in delays, or acts of any federal, state or local governmental unit (other than the Seller in exercising its rights under this Agreement) which directly results in delays. Unavoidable Delays shall not include delays in the Buyer's obtaining of permits or governmental approvals necessary to enable construction of the Minimum Improvements by the dates such construction is required under this section of this Agreement.

18. Resale of Reacquired Property; Disposition of Proceeds. Upon the revesting in the Seller of title to and/or possession of the Property or any part thereof as provided in Section 17, the Seller shall apply the purchase price paid by the Buyer under Section 3 of this Agreement as follows:

- (a) First, to reimburse the Seller for all costs and expenses incurred by the Seller, including but not limited to proportionate salaries of personnel, in connection with the recapture, management, and resale of the Property or part thereof (but less any income derived by the Seller from the property or part thereof in connection with such management); all taxes, assessments, and water and sewer charges with respect to the Property or part thereof (or, in the event the Property is exempt from taxation or assessment or such charge during the period of ownership thereof by the Seller, an amount, if paid, equal to such taxes, assessments, or charges (as determined by the Seller assessing official) as would have been payable if the Property were not so exempt); any payments made or necessary to be made to discharge any encumbrances or liens existing on the Property or part thereof at the time of revesting of title thereto in the Seller or to discharge or prevent from attaching or being made any subsequent encumbrances or liens due to obligations, defaults or acts of the Buyer, its successors or

transferees; any expenditures made or obligations incurred with respect to the making or completion of the Minimum Improvements or any part thereof on the Property or part thereof; and any amounts otherwise owing the Seller by the Buyer and its successor or transferee; and

(b) Second, to reimburse the Buyer for the balance of the purchase price remaining after the reimbursements specified in paragraph (a) above. Such reimbursement shall be paid to the Buyer upon delivery of an executed, recordable warranty deed to the Property by the Buyer to the Seller.

19. No Remedy Exclusive. No remedy herein conferred upon or reserved to the Seller or Buyer is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Dated: _____

SELLER:

CITY OF COON RAPIDS

By: _____

Jerry Koch, Mayor

By: _____

Matt Stemwedel, City Manager

Dated: _____

BUYER:

TOLLBERG HOMES, LLC

By: _____

Its: _____

Approved as to form:

David Brodie
City Attorney

- Exhibit A: Well Disclosure
- Exhibit B: House Plans
- Exhibit C: Site and Building Standards

Exhibit A - Well Disclosure

Exhibit B - House Plans

Exhibit C - Site and Building Standards

Site and Building Standards:

1. Interior Building Design

- The home shall be single-family and owner-occupied.
- Minimum of three bedrooms and two full bathrooms, and a full basement, unless precluded by soil conditions.
- Value added amenities such as greatrooms, dens or porches are required.
- Energy efficient products and construction techniques are encouraged. The HRA will consider a reduced sale price for construction of a house meeting the requirements of the LEED-H rating system.

2. Exterior Building Design

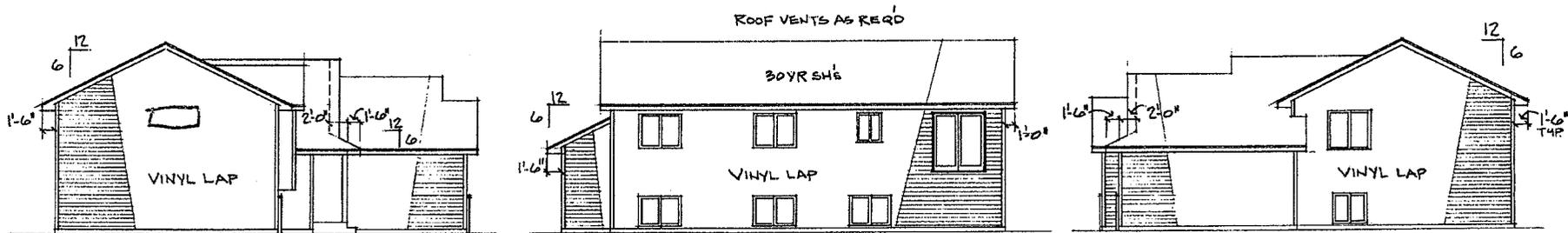
- The new structure shall be constructed in a manner, quality, and value equal to or better than the surrounding structures. Height and mass should be as compatible with the scale of the surrounding neighborhood as possible. Two story homes on a block of one story homes can be designed with compatible style and finishes. Architectural details such as roofline, gables, and window detailing shall be as compatible with existing buildings in the neighborhood as possible given the other objectives of this program.
- Windows shall be presented on all building elevations. The front elevation should contain a “feature window” (i.e. large picture window, shutters) to add interest.
- A variety of different exterior materials should be used, such as wood, brick, or stucco, to add contrast. Vinyl siding and similar low maintenance materials are acceptable only in combination with other natural materials.
- The building’s design should emphasize the front door as the focal point, possibly by including a front porch.

3. Garage Design

- The appearance of the garage door should be minimized as much as possible (i.e. separate doors for each stall) and the garage should be located no closer to the street than the house’s front façade line. If a three-car garage is proposed, each stall should have a separate door.

4. Site and Grounds

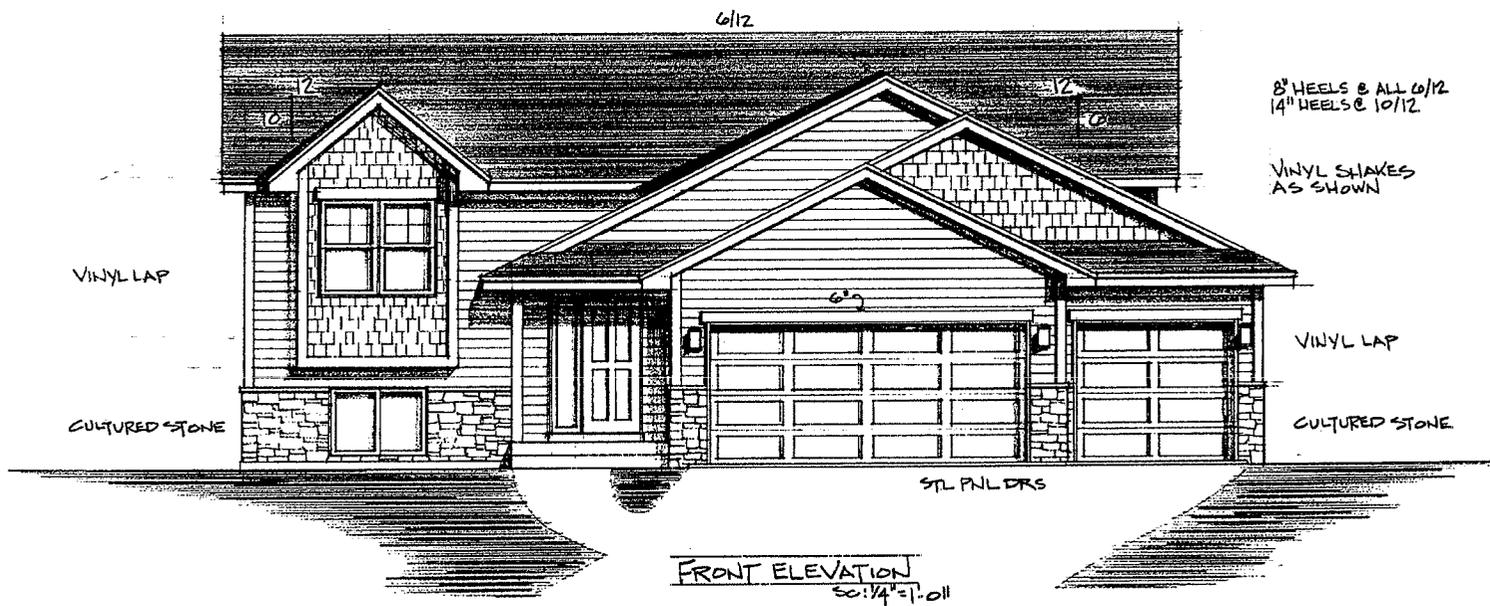
- The entire ground shall be landscaped to be aesthetically pleasing in all seasons. Land forms and plant materials shall be used to define the site and blend with the adjoining property. Landscaping should shade hardscapes and erosion controls should be installed.
- On lots that contain several mature trees, as many trees as possible should be preserved. Tree wrap reinforcement shall be used on trees directly adjacent to active grading and construction areas.
- If the existing curb cut is not used for a new driveway, it must be removed and replaced with curb.
- Air conditioning units should be located in the rear yard of the house and utility meters should be screened from public view.



LEFT ELEV
Sc: 1/8" = 1'-0"

REAR ELEV
Sc: 1/8" = 1'-0"

RIGHT ELEV
Sc: 1/8" = 1'-0"



FRONT ELEVATION
Sc: 1/4" = 1'-0"

8" HEELS @ ALL 12/12
14" HEELS @ 10/12

VINYL SHAKES
AS SHOWN

VINYL LAP

CULTURED STONE

VINYL LAP

CULTURED STONE

STL PNL DRS

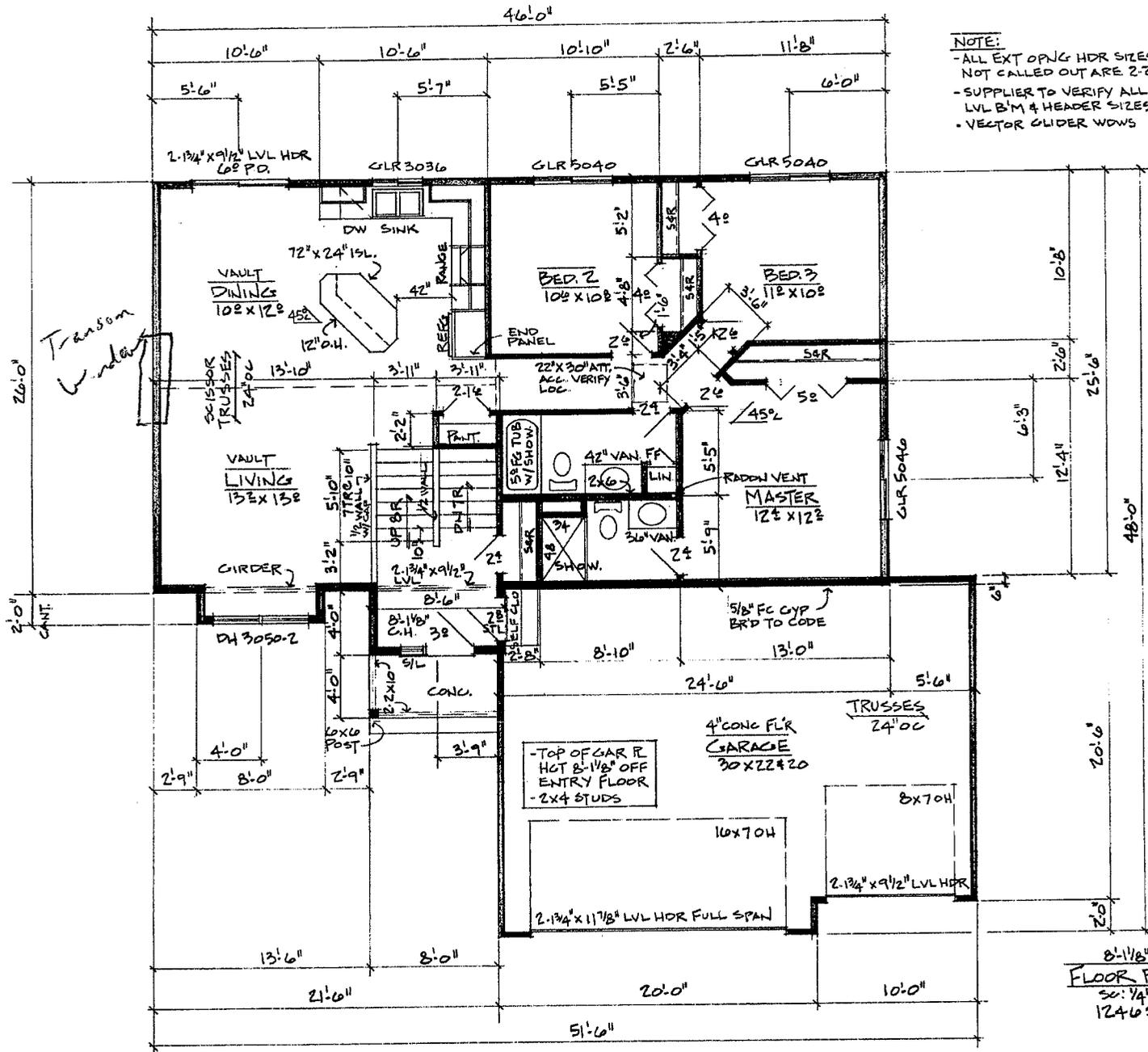
NORTHWEST DESIGN INC. ASSUMES NO RESPONSIBILITY FOR ERRORS OR OMISSIONS. THE CONTRACTOR MUST VERIFY ALL NOTES, DIMENSIONS AND CONDITIONS PRIOR TO THE START OF CONSTRUCTION AND BE RESPONSIBLE FOR THE SAME DURING CONSTRUCTION. NO GUARANTEE EXPRESS OR IMPLIED IN COMPLIANCE OF THIS PLAN WITH OWNER/CONTRACTOR ARE MADE.



NORTHWEST DESIGN INC.
Residential Drafting & Design
1525 EDWARDS CROSSING
SUITE 104C
BROOKLYN PARK, MN 55443
763-414-2225

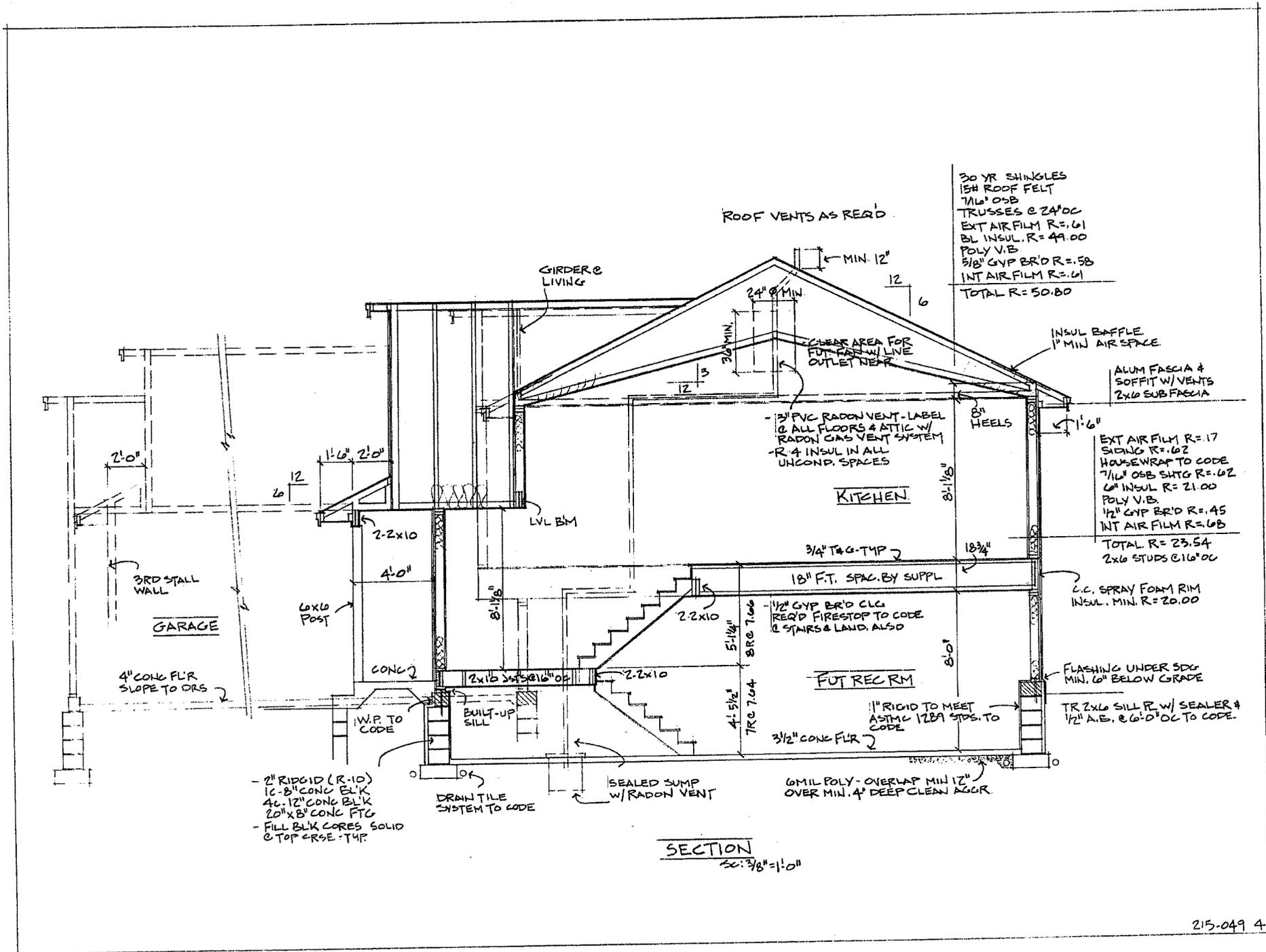
NEW HOME BY:
TOLLBERG HOMES

PLAN: 219-049
DATE: 7-7-15
SQ FT: 1246
REVISED: 7-10-15



NOTE:
 - ALL EXT OPNG HDR SIZES NOT CALLED OUT ARE 2-2x10'S
 - SUPPLIER TO VERIFY ALL LVL B'M & HEADER SIZES
 - VECTOR GLIDER WDS

8-1/8" C.H.
FLOOR PLAN
 50:1/4" = 1'-0"
 1246 SQ FT



30 YR SHINGLES
 15# ROOF FELT
 7/16" OSB
 TRUSSES @ 24" OC
 EXT AIR FILM R=.61
 BL INSUL. R=49.00
 POLY V.B
 5/8" GYP BR'D R=.58
 INT AIR FILM R=.61
 TOTAL R=50.80

ALUM FASCIA &
 SOFFIT W/VENTS
 2x6 SUB FASCIA

8" HEELS

1'-6"

EXT AIR FILM R=.17
 SHING R=.62
 HOUSEWRAP TO CODE
 7/16" OSB SHTG R=.62
 6" INSUL R=21.00
 POLY V.B
 1/2" GYP BR'D R=.45
 INT AIR FILM R=.68
 TOTAL R=23.54
 2x6 STUDS @16" OC

C.C. SPRAY FOAM RIM
 INSUL. MIN. R=20.00

FLASHING UNDER SDC
 MIN. 6" BELOW GRADE

TR 2x6 SILL PL. W/ SEALER &
 1/2" A.E. @ 6'-0" OC TO CODE.

ROOF VENTS AS REQ'D

- 3/4" PVC RADON VENT - LABEL
 @ ALL FLOORS & ATTIC W/
 RADON GAS VENT SYSTEM
 - R 4 INSUL IN ALL
 UNCOND. SPACES

- 1/2" GYP BR'D CLG
 REQ'D FIRESTOP TO CODE
 @ STAIRS & LAND, ALSO

1" RIGID TO MEET
 ASTM 1289 STDS. TO
 CODE

6 MIL POLY - OVERLAP MIN 12"
 OVER MIN. 4" DEEP CLEAN AGGR

SECTION
 SC: 3/8" = 1'-0"

- 2" RIGID (R-10)
 1C-8" CONC BLK
 4C-12" CONC BLK
 20"x8" CONC FTG
 - FILL BLK CORES SOLID
 @ TOP CRSE - TYP

DRAIN TILE
 SYSTEM TO CODE

SEALED SUMP
 W/RADON VENT

3RD STALL
 WALL

GARAGE

4" CONC FLR
 SLOPE TO DRS

GIRDER @
 LIVING

LVL BM

KITCHEN

FUT REC RM

2'-0"

1'-6" 2'-0"

6

2'-2x10

4'-0"

CONC

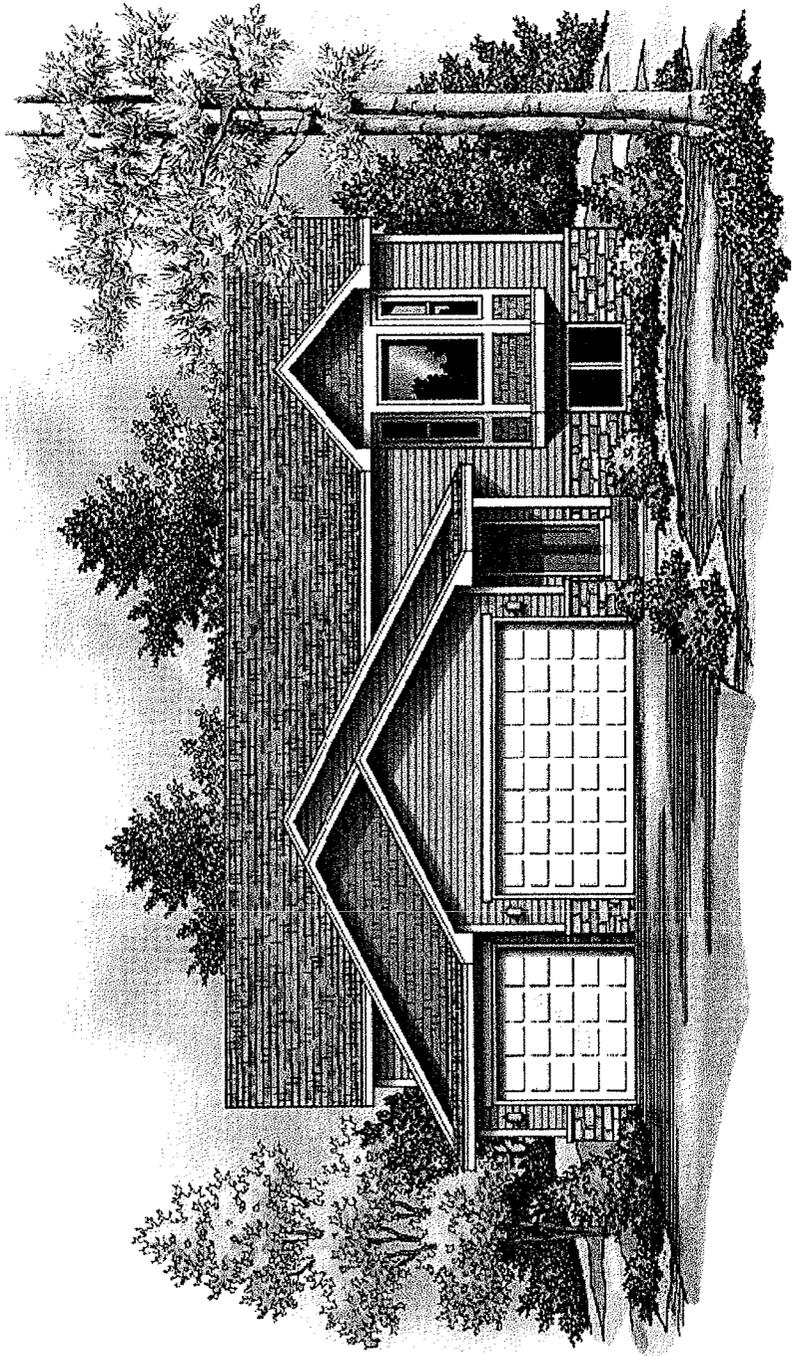
W.P. TO
 CODE

BUILT-UP
 SILL

DRAIN TILE
 SYSTEM TO CODE

LVL BM

2'-2x10





City Council Regular

11.

Meeting Date: 12/01/2015

Subject: PC 15-32, Consider Resolution 15-132, Approving Lot Split for 12856 Crooked Lake Blvd., Rachel Neiman

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting approval of Resolution 15-132 approving a lot split to subdivide two parcels totaling 97,102 square feet into two lots.

DISCUSSION

Project Description

The applicant is proposing to subdivide a 97,102 square foot site into two lots. The property currently consists of two lots (Tract I and J, RLS 28), and there is an existing single family home with an attached garage on the property. The applicant is proposing to reconfigure the two lots.

The existing house will remain on Parcel A. Parcel A will have frontage on Crooked Lake and 129th Avenue. Parcel B is a corner lot with frontage on 129th Avenue and Crooked Lake Boulevard. Access to Parcel A will be via the existing driveway on 129th Avenue. Both of the proposed lots meet the dimensional requirements of the LDR2 zoning district. Parcel A is 41,809 square feet and Parcel B is 55,293 square feet. Parcel B is configured so that it could be subdivided into smaller lots in the future.

The Assistant City Engineer has reviewed the proposed lot split and did not have any comments.

Park Dedication

The original lots were part of RLS 28 approved in 1970. Park dedication for the lots were not paid at that time. Park dedication should be paid for the two lots at this time.

Planning Commission Meeting

At the November 19th Planning Commission meeting two residents spoke at the public hearing. The neighbor to the south explained that she has a driveway and a driveway easement along the south property line of Parcel B and she also has sewer and water service along the same property line. Staff explained that the driveway easement was a private easement and not subject to city control. There will be a 10 foot public drainage and utility easement along the south line for services and drainage. The neighbor to the north asked about deeded access to the lake for Parcel B. Staff explained that deeded lake access is

not subject to city control. The Planning Commission unanimously recommended approval of the proposed lot split.

RECOMMENDATION

In Planning Case 15-32 The Planning Commission recommended the City Council approve the attached Resolution No. 15-132 approving the proposed lot split with the following conditions:

1. The appropriate drainage and utility easements be approved by the City Engineer and recorded at the County.
2. Park dedication in the amount of \$4,000 (\$2,000 per lot) be paid prior to releasing the lot split for recording.
3. Compliance with Title 11, Land Development Regulations.

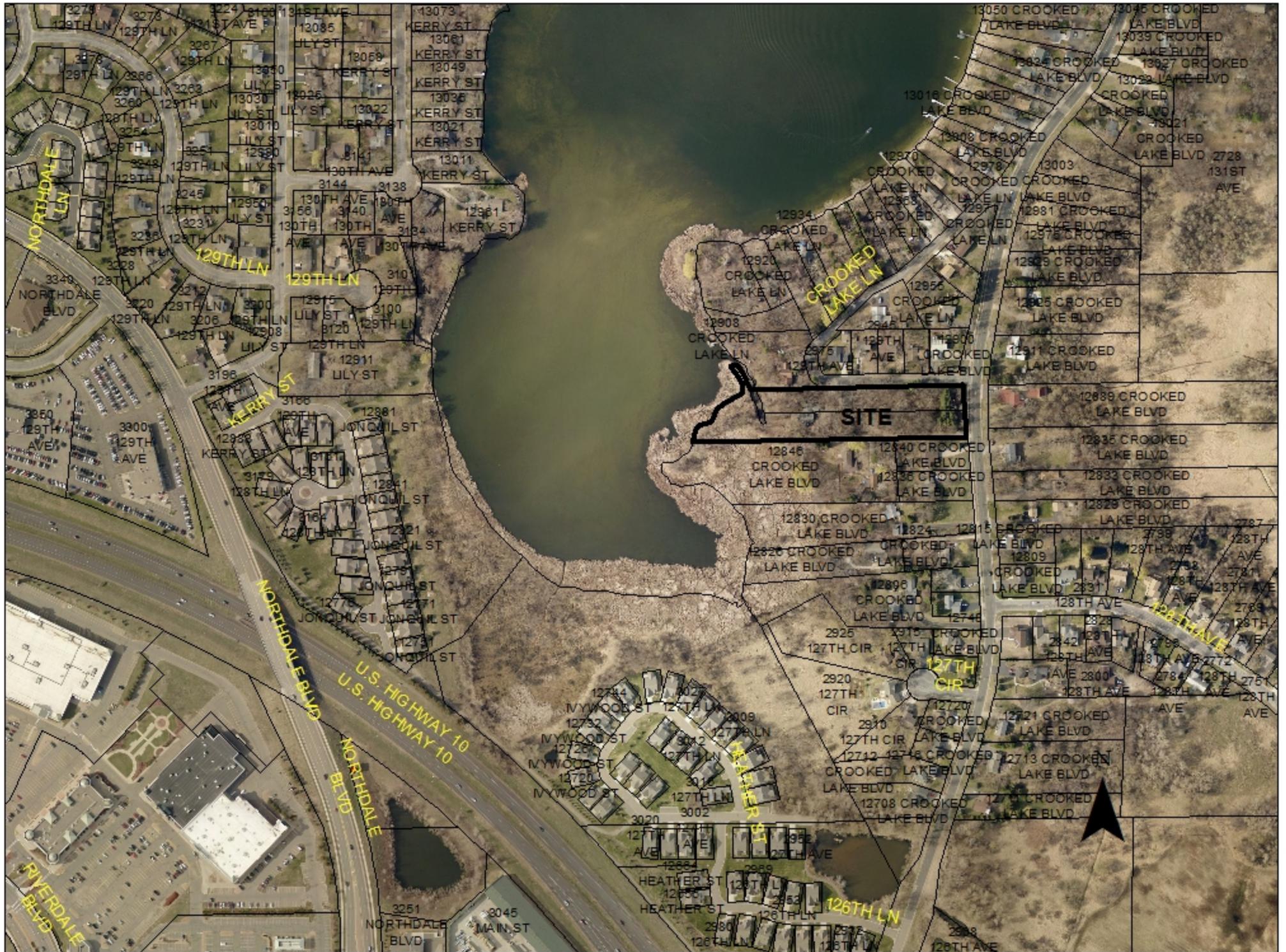
Attachments

Location Map

Proposed Lot Split

Resolution 15-132

Location Map



MINOR SUBDIVISION

~for~ JOHN AND MARTHA BORDWELL
~of~ 12856 CROOKED LAKE BOULEVARD

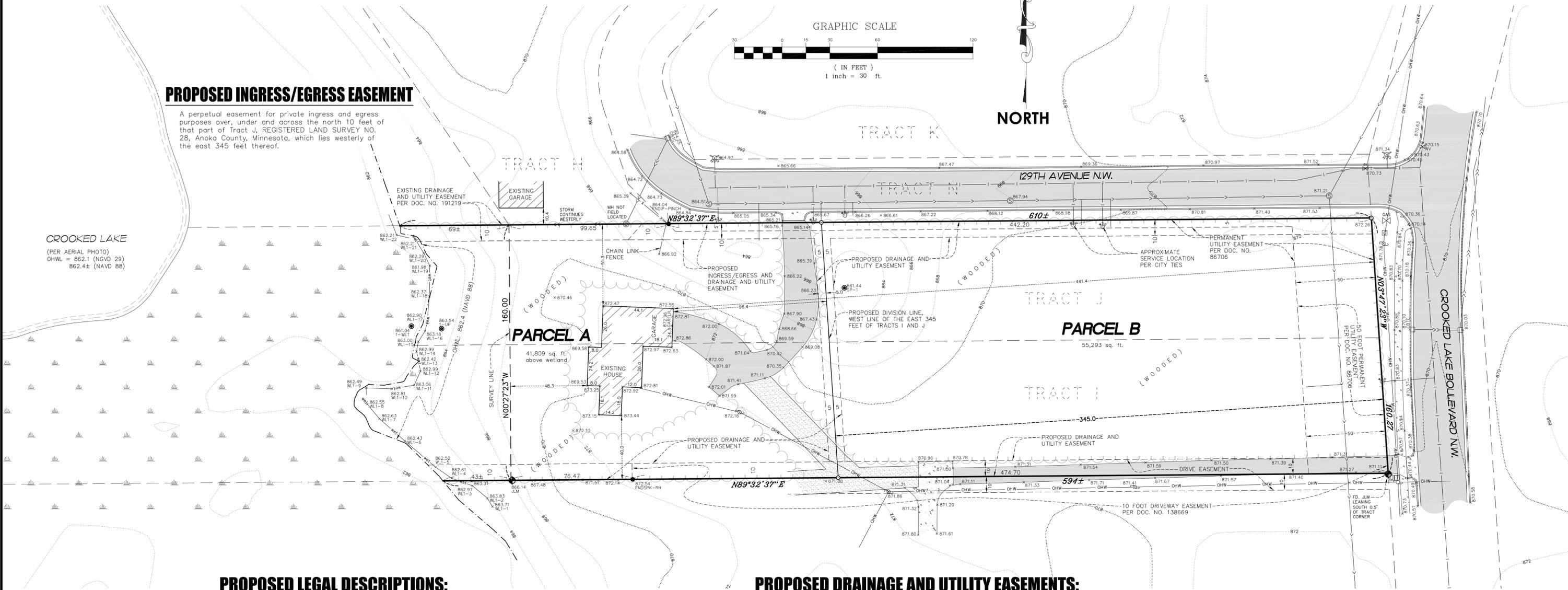
BENCHMARK

MNDOT CSID STATION # 72657
MNDOT NAME: BR 02559 SE
ELEVATION: 893.243 (NAVD 88)

PROPOSED INGRESS/EGRESS EASEMENT

A perpetual easement for private ingress and egress purposes over, under and across the north 10 feet of that part of Tract J, REGISTERED LAND SURVEY NO. 28, Anoka County, Minnesota, which lies westerly of the east 345 feet thereof.

CROOKED LAKE
(PER AERIAL PHOTO)
OHWL = 862.1 (NGVD 29)
862.4± (NAVD 88)



PROPOSED LEGAL DESCRIPTIONS:

PARCEL A
That part of Tract I, Registered Land Survey No. 28, Anoka County, Minnesota, which lies westerly of the east 345 feet thereof.

and

That part of Tract J, Registered Land Survey No. 28, Anoka County, Minnesota, which lies westerly of the east 345 feet thereof.

PARCEL B
The east 345 feet of Tract I, Registered Land Survey No. 28, Anoka County, Minnesota,

and

The east 345 feet of Tract J, Registered Land Survey No. 28, Anoka County, Minnesota.

PROPOSED DRAINAGE AND UTILITY EASEMENTS:

PARCEL A
A perpetual easement for drainage and utility purposes over, under and across the south 10 feet and east 5 feet of that part of Tract I, Registered Land Survey No. 28, Anoka County, Minnesota, which lies westerly of the east 345 feet thereof.

and

A perpetual easement for drainage and utility purposes over, under and across the north 10 feet and the east 5 feet of that part of Tract J, Registered Land Survey No. 28, Anoka County, Minnesota, which lies westerly of the east 345 feet thereof.

PARCEL B
A perpetual easement for drainage and utility purposes over, under and across the south 10 feet and the west 5 feet of the east 345 feet of Tract I, Registered Land Survey No. 28, Anoka County, Minnesota,

and

A perpetual easement for drainage and utility purposes over, under and across the north 10 feet and the west 5 feet of the east 345 feet of Tract J, Registered Land Survey No. 28, Anoka County, Minnesota.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊕ DENOTES JUDICIAL LANDMARK FOUND
- DENOTES CATCH BASIN
- ⊙ DENOTES STORM SEWER MANHOLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊕ DENOTES GATE VALVE
- ⊕ DENOTES HYDRANT
- ⊕ DENOTES GAS VALVE
- ⊕ DENOTES POWER POLE
- ⊕ DENOTES EXISTING SPOT ELEVATION
- ⊕ DENOTES TELEPHONE PEDESTAL
- ⊕ DENOTES CABLE PEDESTAL
- ⊕ DENOTES UTILITY BOX
- ⊕ DENOTES SOIL BORING. (BY OTHERS)
- ⊕ DENOTES WET LAND DELINEATED BY JACOBSON ENVIRONMENTAL
- DENOTES FENCE
- DENOTES EXISTING CONTOURS
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES OVERHEAD WIRE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES GRAVEL SURFACE
- DENOTES TREE LINE

EXISTING ZONING

Low Density 2 (LDR2)

Setbacks

Front: 35 feet
Side: 10 feet (5 feet for attached garage)
Rear: 35 feet

LOT STANDARDS

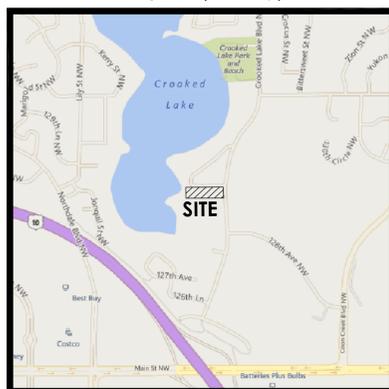
Minimum lot area = 10,800 sq. ft.
12,150 sq. ft. (corner lot)
Minimum lot width = 80 feet
90 feet (corner lot)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 10/1/15.
- Bearings shown are on Anoka County datum.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Wetlands were delineated by Jacobson Environmental.
- Contours are a compilation of field data and MnGEO lidar distribution.
- Parcel ID: 04-31-24-31-0014
04-31-24-31-0013

VICINITY MAP

PART OF SEC. 4, TWP. 31, RNG. 24



ANOKA COUNTY, MINNESOTA
(NO SCALE)

LEGAL DESCRIPTION

Tracts I and J, REGISTERED LAND SURVEY NO. 28, Anoka County, Minnesota.

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

Jason E. Rud
JASON E. RUD

Date: 10/13/15 License No. 41578

E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

DRAWN BY: BPN	JOB NO: 15653PP	DATE: 10/13/15	
CHECK BY: JER	SCANNED <input type="checkbox"/>		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

Resolution 15-132

A Resolution of the City of Coon Rapids Granting Approval of a Lot Split, Planning Case No. PC 15-32

WHEREAS, application has been made for approval of a lot split, pursuant to Section 11-1504.4 of the Coon Rapids Code of Ordinances, of the property legally described on attached Exhibit A and hereinafter referred to as “the Property”; and

WHEREAS, the Planning Commission on November 19, 2015 recommended approval of the lot split of the Property;

NOW, THEREFORE, BE IT RESOLVED

1. It is hereby determined by the City Council for the City of Coon Rapids as follows:
 - A. The proposed lot split is consistent with the Title 11, Chapter 1500 of the City Code of Ordinances and conforms with all of its requirements.
 - B. The proposed subdivision is consistent with all applicable general and specialized city, county, and regional plans including, but not limited to, the City’s Comprehensive Plan.
 - C. The physical characteristics of the site, including, but not limited to, topography, soils, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, and drainage are suitable for the type and density of development and uses contemplated.
 - D. The proposed subdivision makes adequate provision for water supply, storm drainage, sewage transportation, parks and walkways, erosion control and all other services, facilities and improvements otherwise required herein.
 - E. The proposed subdivision will not cause substantial environmental damage.
 - F. The proposed subdivision will not have an undue or adverse impact on the reasonable development of neighboring land.
2. Lot split approval is hereby granted for the Property, subject to the conditions set forth in attached Exhibit B.
3. The officers of the City are hereby authorized, once the conditions set forth in Exhibit B are met and complied with, to sign the registered land survey for the Property and to issue a certified

copy of this Resolution giving final approval of the survey.

4. The owner of the Property is authorized to record the lot split as required by law and shall file proof of said recording with the City. No building permits will be issued for the Property until the registered land survey is recorded.
5. This lot split approval may be rescinded 90 days from the date of this resolution if the survey is not recorded within that time.

Adopted this 1st day of December 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk

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

CERTIFICATION OF CLERK

I, the undersigned, being the duly qualified and acting City Clerk of the City of Coon Rapids, Minnesota, hereby certify that I have carefully compared the attached and foregoing Resolution with the original thereof on file in my office and the same is a full, true and complete transcript therefrom, insofar as the same relates to Planning Case 15-32.

WITNESS hand officially as such City Clerk and the corporate seal of the City of Coon Rapids this ___ day of _____, 2015.

Joan Lenzmeier, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

EXISTING LEGAL DESCRIPTIONS:

Tracts I and J, Registered Land Survey NO. 28, Anoka County, Minnesota

NEW LEGAL DESCRIPTIONS:

Parcel A:

That part of Tract I, Registered Land Survey NO. 28, Anoka County, Minnesota, which lies westerly of the east 345 feet thereof.

and

That part of Tract J, Registered Land Survey NO. 28, Anoka County, Minnesota, which lies westerly of the east 345 feet thereof.

Parcel B:

The east 345 feet of Tract I, Registered Land Survey NO. 28, Anoka County, Minnesota,
and

The east 345 feet of Tract J, Registered Land Survey NO. 28, Anoka County, Minnesota,

EXHIBIT B
CONDITIONS OF APPROVAL

1. The appropriate drainage and utility easements be approved by the City Engineer and recorded at the County.
2. Park dedication in the amount of \$4,000 (\$2,000 per lot) be paid prior to releasing the lot split for recording.
3. Compliance with Title 11, Land Development Regulations.



City Council Regular

12.

Meeting Date: 12/01/2015

Subject: PC 15-33: Consider Introduction of an Ordinance Revising Section 11-1101 Floodplain Management

From: Scott Harlicker, Planner

INTRODUCTION

The City Council is being asked to consider the introduction of an ordinance amendment to revise and update Section 11-1101 Floodplain Management regulations.

DISCUSSION

Background

Over the past couple of years Federal Emergency Management Agency (FEMA) has been updating their Flood Insurance Rate Maps to reflect updated flood data and modeling. The maps the City has been using were established in 1977. The maps are used to determine if a property is within a floodplain and if flood insurance is needed. The corresponding floodplain regulations control development within the floodplain. FEMA recently approved the new maps and corresponding floodplain regulations, and the City is required to formally adopt the new maps and amend our floodplain management regulations so that they are consistent with the new federal regulations.

The DNR is the state agency that is assisting cities with the process of revising their floodplain regulations and have drafted a sample ordinance that is consistent with the new federal regulations. City staff have been working with the DNR and Coon Creek Watershed District on revising the draft ordinance to meet the needs of the City and the Watershed District.

Proposed Ordinance

Even though the entire Floodplain Management chapter is being replaced, the proposed changes are not as significant as one might expect. The new chapter is better organized, goes into greater detail and includes maps that are much easier to read. Since certain words and phrases apply only to this chapter, they are found in a separate definition section near the beginning of the chapter. The regulations include three flood hazard districts, Floodway, Flood Fringe and General Floodplain. The information on each district is organized the same way, with permitted and conditional use sections, and corresponding development standards. Other sections include Administration, Nonconformities, Penalties and Enforcement, and Amendments.

Planning Commission Meeting

A public hearing was held at the November 19th Planning Commission meeting and no comments were made. The Commission noted that a public outreach process should be implemented to notify residents of

changes to the flood maps. The Commission voted unanimously to recommend approval of the proposed ordinance amendment.

RECOMMENDATION

In Planning Case 15-33, the Planning Commission recommend the City Council introduce the attached ordinance approving the proposed changes to Section 11-1101 Floodplain Management regulations.

Attachments

Proposed Ordinance

Current Floodplain Management Regulations

ORDINANCE NO.

**AN ORDINANCE REPEALING IN ITS ENTIRETY SECTION 11-1101 FLOODPLAIN
MANAGEMENT REGULATIONS THEREBY AMENDING
REVISED CITY CODE – 1982 SECTION 11-1101**

The City of Coon Rapids does ordain:

Section 1. Revised City Code – 1982 Section, 11-1101 Floodplain Management

Regulations is hereby repealed in its entirety.

Section 2 Revised City Code- 1982 Section, 11-1101 Floodplain Management is hereby amended as follows: (additions double underlined)

11-1101 Floodplain Management

11-1101.1 Statutory Authorization and Purpose.

(1) Statutory Authorization. The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Coon Rapids, Minnesota, does ordain as follows.

(2) Purpose.

(a) This ordinance regulates development in the flood hazard areas of Coon Rapids, Minnesota. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

(b) National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

(c) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

11-1101.2 General Provisions.

(1) How to Use This Ordinance. This ordinance adopts the floodplain maps applicable to Coon Rapids and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.

(a) Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 1101.4 or 1101.5 will apply, depending on the location of a property.

(b) Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 1101.4 apply unless the floodway boundary is determined, according to the process outlined in Section 1101.6. Once the floodway boundary is determined, the Flood Fringe District standards in Section 1101.5 may apply outside the floodway.

(2) Lands to Which Ordinance Applies.

(a) This ordinance applies to all lands within the jurisdiction of the City of Coon Rapids shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.

(b) The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

(3) Incorporation of Maps by Reference. The Flood Insurance Rate Map panels enumerated below, all dated December 16, 2015 and all prepared by the Federal Emergency Management Agency together with all related materials, including the Flood Insurance Study for Anoka County, Minnesota, are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The following materials are on file in the City Engineer's office:

27003C0303E

27003C0304E

27003C0308E

27003C0309E

27003C0311E

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(4) Regulatory Flood Protection Elevation. The regulatory flood protection elevation (RFPE) is an elevation no lower than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

(5) Interpretation. The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

(a) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

(b) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Adjustment and Appeals and to submit technical evidence.

(6) Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

(7) Warning and Disclaimer of Liability. This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Coon Rapids or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

(9) Definitions. Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application. The following definitions apply only to Section 11-1101:

(a) Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

(b) Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.

(c) Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

(d) Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

(i) Certain conditions as detailed in the zoning ordinance exist.

(ii) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

(e) Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

(f) Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

(g) Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.

(h) Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

(i) Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

(j) Flood Fringe – that portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Anoka County, Minnesota.

(k) Flood Prone Area – any land susceptible to being inundated by water from any source (see “Flood”).

(l) Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

(m) Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor.

(n) Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”

(o) Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

(p) One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).

(q) Principal Use or Structure – all uses or structures that are not accessory uses or structures.

(r) Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

(s) Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”

(t) Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in a flood insurance study.

(u) Regulatory Flood Protection Elevation (RFPE) - an elevation not less than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

(v) Repetitive Loss - Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

(w) Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”

(x) Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(y) Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

(ii) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.

11-1101.3 Establishment of Zoning Districts

(1) Districts.

(a) Floodway District. The Floodway District includes those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 1101.2(3). For lakes, wetlands and other basins, the Floodway District includes those areas designated as Zone A and Zone AE without a floodway on the Flood Insurance Rate Map that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

(b) Flood Fringe District. The Flood Fringe District includes those areas designated as floodway fringe on the Flood Insurance Rate Map adopted in Section 1101.2(3), as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District includes those areas designated as Zone AE on the Flood Insurance Rate Map panels adopted in Section 1101.2(3) that are below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

(c) General Floodplain District. The General Floodplain District includes those areas designated as Zone A or Zone AE without a floodway on the Flood Insurance Rate Map adopted in Section 1101.2(3), but not subject to the criteria in sections (a) and (b) above.

(2) Compliance Within the floodplain districts established in this ordinance, the use of any land, the use, size, type and location of structures on lots, the installation and maintenance

of transportation, utility, water supply and waste treatment facilities, and the subdivision of land must comply with the terms of this ordinance and other applicable regulations. All uses not listed as permitted uses or conditional uses in Sections 1101.4, 1101.5 and 1101.6, respectively, are prohibited. In addition, a caution is provided here that:

(a) New and replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this ordinance and specifically Section 1101.9.0.

(b) Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this ordinance and specifically Section 1101.11.

(c) All structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) As-built elevations for elevated or floodproofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this ordinance and specifically as stated in Section 1101.10.

(e) Critical facilities, as defined in Section 1101.2(9)(e), are prohibited in all floodplain districts.

1101.4 Floodway District (FW)

(1) Permitted Uses. The following uses, subject to the standards set forth in Section 1101.4(2), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

(a) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(b) Industrial-commercial loading areas, parking areas, and airport landing strips.

(c) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.

(d) Residential lawns, gardens, parking areas, and play areas.

(e) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit, and that the standards in Sections 1101.4(4)(a), 1101.4(4)(c)(i) and 1101.4(4)(f) are met.

(2) Standards for Floodway Permitted Uses.

(a) The use must have a low flood damage potential.

(b) With the exception of the uses listed in Section 1101.4(1)(e), the use must not obstruct flood flows or increase flood elevations and must not involve structures, fill, obstructions, excavations or storage of materials or equipment.

(c) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

(3) Conditional Uses. The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 1101.10(4) and further subject to the standards set forth in Section 1101.4(4), if otherwise allowed in the underlying zoning district or any applicable overlay district.

(a) Structures accessory to the uses listed in 1101.4(1) above and the uses listed in (b) - (g) below.

(b) Extraction and storage of sand, gravel, and other materials.

(c) Marinas, boat rentals, docks, piers, wharves, and water control structures.

(d) Storage yards for equipment, machinery, or materials.

(e) Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in Section 1101.2(9)(g), are permitted uses.

(f) Travel-ready recreational vehicles meeting the exception standards in Section 1101.9(2).

(g) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

(4) Standards for Floodway Conditional Uses.

(a) All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.

(b) Fill; Storage of Materials and Equipment:

(i) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(ii) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

(iii) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

(c) Accessory Structures.

(i) Accessory structures must not be designed for human habitation.

(ii) Accessory structures, if permitted, must be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:

(aa) Whenever possible, structures must be constructed with the longitudinal axis parallel to the direction of flood flow; and

(bb) So far as practicable, structures must be placed approximately on the same flood flow lines as those of adjoining structures.

(iii) Accessory structures must be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code. All floodproofed accessory structures must meet the following additional standards:

(aa) The structure must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls; and

(bb) Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed.

(iv) As an alternative, an accessory structure may be internally/wet floodproofed to the FP-3 or FP-4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. A detached garage may only be used for parking of vehicles and limited storage. All structures must meet the following standards:

(aa) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(bb) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(d) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

(e) A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

(f) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

11-1101.5 Flood Fringe District (FF)

(1) Permitted Uses. Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 1101.5(2). If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

(2) Standards for Flood Fringe Permitted Uses.

(a) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.

(i) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

(ii) As an alternative to elevation on fill, an accessory structure that constitutes a minimal investment and that does not exceed 576 square feet in size may be internally floodproofed in accordance with Section 1101.4(4)(c).

(b) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 1101.5(2)(a), or if allowed as a conditional use under Section 1101.5(3)(c) below.

(c) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

(d) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(e) Areas filled must be mitigated by creating compensating volume storage at a one to one ratio such that there would be no net effect on the 100-year flood level.

(i) Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

(f) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.

(g) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity

such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

(h) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

(i) Flood fringe developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

(j) Manufactured homes and recreational vehicles must meet the standards of Section 9 of this ordinance.

(3) Conditional Uses. The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 1101.10(4). Conditional uses must meet the standards in Sections 1101.5(2)(d) through 1101.5(2)(j) and Section 1101.5(4).

(a) Any structure that is not elevated on fill or floodproofed in accordance with Section 1101.5(2)(a).

(b) Storage of any material or equipment below the regulatory flood protection elevation.

(c) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 1101.5(2)(a).

(4) Standards for Flood Fringe Conditional Uses.

(a) The standards listed in Sections 1101.5(2)(d) through 1101.5(2)(j) apply to all conditional uses.

(b) Basements, as defined by Section 1101.2(9)(c), are subject to the following:

(i) Residential basement construction is not allowed below the regulatory flood protection elevation.

(ii) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 1101.5(4)(d).

(c) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures wet floodproofed to the FP-3 or FP-4 classification are not permitted.

(d) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

(i) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.

(ii) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.

(iii) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

(e) Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

(f) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(i) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(ii) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(aa) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that

they permit the automatic entry and exit of flood waters without any form of human intervention; and

(bb) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

11-1101.6 General Floodplain District (GF)

(1) Permitted Uses.

(a) The uses listed in Section 1101.4(1), Floodway District Permitted Uses, are permitted uses.

(b) All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 1101.6(2) below. Section 1101.4 applies if the proposed use is determined to be in the Floodway District. Section 1101.5 applies if the proposed use is determined to be in the Flood Fringe District.

(2) Procedures for Floodway and Flood Fringe Determinations.

(a) Upon receipt of an application for a permit or other approval within the General Floodplain District, the Director must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.

(b) If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in 1101.6(2)(c) below.

(c) The determination of floodway and flood fringe must include the following components, as applicable:

(i) Estimate the peak discharge of the regional (1% chance) flood.

(ii) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

(iii) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.

(d) The Director will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Director may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Director may approve or deny the application.

(e) Once the Floodway and Flood Fringe District boundaries have been determined, the Director must process the permit application consistent with the applicable provisions of Section 1101.4 and 1101.5.

11-1101.7 Land and Development Standards

(1) In General. Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Coon Rapids.

(2) Subdivisions. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

(a) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

(b) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

(c) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

(d) In the General Floodplain District, applicants must provide the information required in Section 1101.6(2) to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

(e) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:

(i) All such proposals are consistent with the need to minimize flood damage within the flood prone area.

(ii) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(iii) Adequate drainage is provided to reduce exposure of flood hazard.

(3) Building Sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

(a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- (b) Constructed with materials and utility equipment resistant to flood damage;
- (c) Constructed by methods and practices that minimize flood damage; and
- (d) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

1101.8 Public Utilities, Railroads, Roads, and Bridges

(1) Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

(2) Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 1101.4 and 1101.5. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

(3) On-site Water Supply and Sewage Treatment Systems. Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they must not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems is considered to be in compliance with this Section.

1101.9 Manufactured Homes, Manufactured Homes Parks, and Recreational Vehicles.

(1) Manufactured Homes. New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

(a) Placement or replacement of manufactured home units is prohibited in the Floodway District.

(b) If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 1101.5 and the following standards.

(i) New and replacement manufactured homes must be elevated in compliance with Section 1101.5 and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(ii) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 1101.7(2)(b).

(2) Recreational Vehicles. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

(a) Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 1101.9(2)(b):

(i) Individual lots or parcels of record.

(ii) Existing commercial recreational vehicle parks or campgrounds.

(iii) Existing condominium-type associations.

(b) Criteria for Exempt Recreational Vehicles:

(i) The vehicle must have a current license required for highway use.

(ii) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.

(iii) No permanent structural type additions may be attached to the vehicle.

(iv) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.

(v) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 1101.9(2)(b).

(vi) An accessory structure must constitute a minimal investment.

(c) Recreational vehicles that are exempt in Section 1101.9(2)(b) lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 1101.5. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

1101.10 Administration

(1) Director. The Director must administer and enforce this ordinance.

(2) Permit Requirements.

(a) Permit Required. A permit must be obtained from the Director prior to conducting the following activities:

(i) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.

(ii) The use or change of use of a building, structure, or land.

(iii) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.

(iv) The change or extension of a nonconforming use.

(v) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

(vi) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

(vii) Relocation or alteration of a watercourse - including new or replacement culverts and bridges), unless a public waters work permit has been applied for.

(viii) Any other type of "development" as defined in this ordinance.

(b) Application for Permit. Permit applications must be submitted to the Director on forms provided by the Director. The permit application must include the following as applicable:

(i) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.

(ii) Location of fill or storage of materials in relation to the stream channel.

(iii) Copies of any required municipal, county, state or federal permits or approvals.

(iv) Other relevant information requested by the Director as necessary to properly evaluate the permit application.

(c) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Director stating that the use of the building or land conforms to the requirements of this ordinance.

(d) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

(e) Record of First Floor Elevation. The Director must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Director must also maintain a

record of the elevation to which structures and alterations or additions to structures are floodproofed.

(f) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Director must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

(g) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Director must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

(3) Variances.

(a) Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 11-304.9 of the City Code.

(b) Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

(c) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(i) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(ii) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(iii) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Flood Insurance Notice. The Director must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional

flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

(e) General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

(i) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;

(ii) The danger that materials may be swept onto other lands or downstream to the injury of others;

(iii) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;

(iv) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

(v) The importance of the services to be provided by the proposed use to the community;

(vi) The requirements of the facility for a waterfront location;

(vii) The availability of viable alternative locations for the proposed use that are not subject to flooding;

(viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(ix) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;

(x) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(xi) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

(f) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Director must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(g) Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(h) Record-Keeping. The Director must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

(4) Conditional Uses.

(a) Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 11-304.3 of the City Code.

(b) Factors Used in Decision-Making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 1101.10(3)(e).

(c) Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

(i) Modification of waste treatment and water supply facilities.

(ii) Limitations on period of use, occupancy, and operation.

(iii) Imposition of operational controls, sureties, and deed restrictions.

(iv) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

(v) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(d) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Director must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(e) Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

1101.11 Nonconformities

(1) Continuance of Nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 1101.2(9)(y)(ii), are subject to the provisions of Sections 1011.11(1)(a) – 1011.11(1)(f).

(a) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 1101.11(1)(b) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

(b) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the

elevation on fill or floodproofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 1101.11(1)(a)-(c) and 1101.11(1)(g) below.

(c) If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, then the entire structure must meet the standards of Sections 1101.4 or 1101.5 for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.

(d) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Director in writing of instances of nonconformities that have been discontinued for a period of more than one year.

(e) If any nonconformity is substantially damaged, as defined in Section 1101.2(9)(x), it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 1101.4 or 1101.5 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

(f) If any nonconforming use or structure experiences a repetitive loss, as defined in Section 1101.2.(9)(v) of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

(g) Any substantial improvement, as defined in Section 1101.2.(9)(y), to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 1101.4 or 1101.5 for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

1101.12 Penalties and Enforcement

(1) Violation Constitutes a Misdemeanor. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

(2) Other Lawful Action. Nothing in this ordinance restricts the City from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Director within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

(3) Enforcement. In responding to a suspected ordinance violation, the Director and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls

and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

(a) When a violation is either discovered by or brought to the attention of the Director, the Director shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as it is reasonably possible, this information will be submitted to the appropriate State Department of Natural Resources and Federal Emergency Management Agency regional office along with the city's plan of action to correct the violation to the degree possible.

(b) The Director shall notify the suspected party of the requirements of this chapter and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Director may order the construction or development immediately halted until a proper permit or approval is granted by the city. If the construction or development is already completed, the Director may either: 1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or 2) notify the responsible party to apply for an after the fact permit/development approval within a specified period of time not to exceed 30 days.

1101.13 Amendments

(1) Floodplain Designation – Restrictions on Removal. The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

(2) Amendments Require DNR Approval. All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

(3) Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 1101.2(3).

Introduced this 1st day of December, 2015.

Adopted this ____ day of _____ 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk

CURRENT ORDINANCE

11-1101 Floodplain Management Regulations

11-1101.1 Purpose.

(1) A portion of the land within the City is subject to periodic inundation by the overflow of streams, rivers, ponds and lakes causing hazards to life and property, disruption of governmental services, extraordinary public expenditures for flood protection and relief, impairment of the tax base, and an adverse effect on the public health, safety, and general welfare. These flood losses are caused by:

(a) The cumulative effect of obstructions in floodplains which create increases in flood heights and velocities and a reduction in the natural flood retention storage capacity;

(b) Structures within flood hazard areas which are vulnerable to flood; and

(c) Structures and uses within flood hazard areas which become hazardous to other property in times of flood.

(2) The public interest necessitates that development of the floodplains be controlled to eliminate loss of life, threat to health, and economic loss. Increasing urban development upstream will produce floods of greater intensity in the future. Because of the aforementioned reasons, the City Council has determined it is the best interests of the citizens of Coon Rapids to establish floodplain management regulations to promote the public health, safety, and general welfare, and to minimize flood losses by provisions designed to:

(a) Restrict or prohibit the development or subdivision of lands for uses which are dangerous to health, safety, or property in times of flood or which, with reasonably anticipated improvements, will cause excessive increases in flood heights and/or velocities, or reduction in the natural flood retention storage capacity.

(b) Require that all proposed uses and subdivision lots have building sites, streets, and public facilities that are free from flood hazard.

(c) Protect individuals from buying and developing lands which are unsuited for development because of flood hazard by:

(i) Prohibiting the development and subdivision of unprotected flood hazard lands;

(ii) Requiring that flood hazard areas be delineated on final subdivision plats; and

(iii) Reserving areas not suitable for development through deed restrictions.

11-1101.2 Land to Which Regulations Apply. This Section shall apply to all property within the boundaries of the floodway, flood fringe or general floodplain as contained in the Official Zoning Map. It shall also apply to areas adjacent to ditches and ponds that are part of the City's storm drainage facilities.

11-1101.3 Designation of Floodway, Flood Fringe, and General Floodplain.

(1) The water surface profile, floodways, and flood fringes within the City shall be designated on the official maps prepared by the United States Geological Survey for the City of Coon Rapids and shall be attached to and made a part of the Official Zoning Map. The Flood Insurance Study for the City of Coon Rapids prepared by the Federal Emergency Management Administration, dated March 15, 1977, and the water surface profiles, and Flood Boundary and Floodway Maps therein are attached to and made part of the Official Zoning Map and this Ordinance. Such maps shall be kept on file in the office of the City Clerk and Community Development Director for public viewing.

(2) The general floodplain shall include all unnumbered A zones as designated on the Flood Insurance Rate Maps contained in the Flood Insurance Study.

11-1101.4 Removal of Floodway and Flood Fringe Designation. The floodway and flood fringe designation on the Official Zoning Map shall not be changed unless the designation is in error or such areas are filled to at least the elevation of adjacent lands as approved by the City Council. Any changes in the floodway or flood fringe designation shall be approved by the Commissioner of Natural Resources, Federal Emergency Management Agency (FEMA) and appropriate watershed districts before such changes may be adopted. The City Engineer shall prepare a map showing the approved change in the same detail as contained in the official map prepared by the United States Geological Survey and such map, when adopted by the City Council by ordinance, shall be considered as an amendment to the official map. A copy shall be kept on file in the offices of the City Clerk and the Director for public viewing.

11-1101.5 Rules for Interpretation of Floodway and Flood Fringe Boundaries. The Boundaries of the floodway and flood fringe shall be determined by scaling distances on the Official Zoning Map. Where a conflict exists between the floodway or flood fringe limits illustrated on the Official Zoning Map and actual field conditions, the surface level of the regional flood shall be the governing factor in locating the regulatory floodplain limits.

11-1101.6 Warning and Disclaimer of Liability. These regulations do not imply that property outside of the floodplain, or development within the floodplain, shall be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Coon Rapids or any officer or employee thereof for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

11-1101.7 Permitted Uses in the General Floodplain and in the Floodway. The following uses are permitted in the floodway or general floodplain, provided they are permitted uses within the zoning district in which the floodway and general floodplain are located, provided they do not obstruct flood flows or increase flood elevations, and provided they do not include structures, fill, obstructions, excavations or storage of materials or equipment.

(1) Agricultural uses - general farming, pasture, grazing, outdoor plant nurseries, truck farming, forestry, horticulture, and sod farming.

(2) Industrial or Commercial - parking areas, loading areas and airplane landing strips.

(3) Recreation - tennis courts, public parks, picnic grounds, ball fields, nature preserves, archery ranges, boat launching ramps, golf courses, driving ranges, recreational trails, and swimming areas but not including lodging facilities or campgrounds.

(4) Residential - lawns and gardens.

11-1101.8 Conditional Uses in the General Floodplain and in the Floodway.

(1) Structures accessory to permitted uses.

(2) Placement of fill.

(3) Extraction of sand, gravel, or other materials, including accessory structures.

(4) Marinas, docks, piers, and other water control structures, including accessory structures.

(5) Railroads, streets, bridges, pipelines, and utility transmission lines including accessory structures.

(6) Any use permitted under subsection 11-1101.7 which is a conditional use in the zoning district in which the floodway or general floodplain is located.

(7) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures.

(8) Levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10 year frequency flood event.

(9) Parking areas for non-residential uses that would be inundated to a depth of one foot or less and the flood velocity upon occurrence of the regional flood would be more than four feet per second, or that would be inundated to a depth of more than one foot, provided in either case the following conditions are satisfied:

(a) The property was a separate lot of record as of June 1, 1992;

(b) The parking area is required to make reasonable use of the property;

(c) Elevating the parking area on fill is not possible because the resulting increase in flood elevation cannot be mitigated;

(d) Such areas shall be used only for the parking of employee and company vehicles that can move under their own power;

(e) The vehicles can be removed from the area within the time available after a flood warning.

11-1101.9 Permitted Uses in the Flood Fringe. Any permitted use within the zoning district in which the flood fringe is located.

11-1101.10 Conditional Uses in the Flood Fringe.

(1) Any conditional use within the zoning district in which the flood fringe is located.

(2) Any non-residential principal structure for which floodproofing to the FP-1 or FP-2 standards as defined in the Minnesota State Building Code is proposed in lieu of elevating to the flood protection elevation.

11-1101.11 Prohibited Uses in the Floodplain.

(1) The disposal of any solid waste that is potentially injurious to human, animal, or plant life, is prohibited within the floodplain.

(2) Community-wide structural works for flood control intended to remove areas from the floodplain shall not be allowed in the floodway.

(3) Campgrounds and lodging facilities shall not be allowed in the floodplain.

11-1101.12 Nonconforming Uses in Floodplains.

(1) Floodway Uses. A nonconforming use within the floodway may be continued, provided that it shall not be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

(2) Flood Fringe Uses. A nonconforming use within the flood fringe may be continued, provided that any expansion, change, enlargement, alteration, or modification is in conformance with the provisions of this Chapter.

(3) Structural Alterations and Additions. The cumulative cost of structural alterations and additions made after June 1, 1992, shall not exceed 50 percent of the market value of the structure unless the standards for new structures are met. The cost of structural alterations shall be calculated at current cost and include the value of all materials and labor.

11-1101.13 District Standards. In addition to the district standards for the zoning district in which the floodplain is located the following district standards shall apply. In the event of a conflict between the zoning district standards and these standards, the more stringent standard shall apply.

(1) Access All developments shall have at least one means of ingress and egress that is at or above the flood protection elevation.

(2) Building Elevation.

(a) Principal Structures. Unless floodproofing pursuant to subsection 11-1101.10(2) has been approved, principal structures (including mobile homes) and campsites shall be constructed on fill so that the lowest floor elevation or grade elevation under a crawl space is at or above the flood protection elevation. The area surrounding a structure shall be filled to or above one foot below the flood protection elevation for a minimum of 15 feet beyond the limits of such structure.

(b) Accessory Structures. Accessory structures shall be floodproofed or constructed on fill so that the lowest floor elevation or grade elevation under a crawl space is at or above the flood protection elevation. The area surrounding a structure shall be filled to or above one foot below the flood protection elevation for a minimum of 15 feet beyond the limits of such structure. Accessory structures that are not elevated above the flood protection elevation shall:

(i) Have a low flood damage potential;

(ii) Be constructed and placed so as to offer the minimum obstruction to the flow of floodwaters, whenever possible, having the longitudinal axis parallel to the direction of flood flow and as far as practical being placed approximately on the same flood flow lines as those of adjoining structures;

(iii) Be firmly anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;

(iv) Not be intended for human habitation;

(v) Be structurally dry floodproofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size and is not necessary to meet the minimum standards for the zoning district in which it is located.

(vi) Any mechanical and utility equipment must be elevated to or above the Flood Protection Elevation or properly floodproofed.

(3) Maximum Flood Water Increase. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses allowed as a conditional use within the floodplain shall cause any increase in the water surface elevation of regional flood or cause an increase in flood damages in the reach or reaches affected. Areas filled must be mitigated by creating compensating volume storage at a one to one ratio such that there would be no net affect on the 100 year flood level.

(4) Parking, Driveways and Loading Facilities.

(a) Residential uses. Parking, driveways, and loading facilities accessory to residential uses, including residential institutions, shall be elevated to at least six inches above the flood elevation.

(b) Non-residential uses. Parking, driveways, and loading facilities accessory to other uses shall be elevated to at least six inches above the flood elevation unless either the parking area would be inundated to a depth of one foot or less and the flood velocity upon occurrence of the regional flood would be four feet per second or less, or a conditional use permit is granted as provided in subsection 11-1101.8(9).

If the parking area would be subject to flood velocities greater than four feet per second or would be inundated to a depth of more than one foot, a warning and evacuation plan approved by the City Council shall be required, in addition to the conditional use permit.

(5) Sanitary Sewer, Water, and Public Utilities and Facilities.

(a) Public Utilities. Sanitary sewer structures, water main valve box tops and other public utilities and facilities located at ground surface in floodplain areas shall be

elevated to the flood protection elevation or floodproofed in accordance with the State Building Code.

(b) Private sewer and water systems. New or replacement on-site sanitary sewer and water facilities in floodplain areas shall be designed to eliminate infiltration of flood waters into them and discharges from them into flood waters.

(6) Storage of Materials and Equipment. The storage or processing of materials that are buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited within the floodplain. The storage of any materials or equipment shall be elevated on fill to the flood protection elevation.

(7) Streets. All streets within a floodplain area shall be at or above the flood protection elevation. Fill may be used to raise streets to such levels; however, such fill shall not restrict the flow of water so as to unduly increase flood heights.

(8) Erosion Control. Fill, dredge spoil, and all other similar materials deposited or stored in the floodplain shall be properly compacted and protected from erosion by vegetative cover, mulching, riprap or other method acceptable to the Director.

11-1101.14 Enforcement.

(1) The Director shall administer and enforce these regulations.

(2) Any violation of these regulations within the floodplain which would increase the level of the 100 year flood or would interfere with the ability of the floodway to convey the 100 year flood is hereby declared to be a nuisance and may be abated according to Chapter 8-1100.

(3) If the structure and/or use is under construction or development the Director may order the construction or development immediately halted until the proper permits or approvals are obtained.

(4) If the structure and/or use is completed the Director may order the premises vacated until the proper permits or approvals are obtained.

(5) The Director shall notify the Commissioner of Natural Resources and the Federal Emergency Management Agency of the violations and the corrective action taken.

11-1101.15 Record of First Floor Elevations. The Director shall maintain a record of the elevation of the first floor, including basement, of all new structures or additions to existing structures in the floodplain areas. The Director shall also maintain a record of the elevations to which structures or additions to structures are floodproofed.

11-1101.16 Certificate of Zoning Compliance for New, Altered, or Nonconforming Uses. It shall be unlawful to use, occupy, or permit the use of any building or premises, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its uses or structure until a Certificate of Zoning Compliance shall have been issued therefor by the Director stating that the use of the building or land conforms to the requirements of these regulations. Before such certificate is issued, a statement shall be submitted to the Director by a registered professional engineer or land surveyor indicating that the finished fill and building floor elevations or other flood protection measures are in compliance with these Floodplain Management provisions.

11-1101.17 State and Federal Permits. Prior to granting a building permit or processing an application for a conditional use permit or variance, the Director shall determine that the applicant has obtained all necessary State, Federal and watershed permits.

11-1101.18 Rules and Procedures for Subdivision, Conditional Use Permit, and Variance Requests. Requests for subdivisions, conditional use permits, and variances shall be subject to the same rules and procedures as requests in areas not located in a floodplain, except as provided below:

(1) Subdivisions.

(a) The application for a subdivision of lands where buildable lots are to be created within the floodplain shall contain the following information in addition to normally required subdivision requirements: A plan showing the elevation of streets, drives and building lots, grading plans, including methods to protect utility installations from flood hazard, proposed floodproofing, fill, levees, channel modifications, and other methods to overcome flood or erosion hazard, designation of all land to be reserved or dedicated for open space or recreational use, identification of floodway and flood fringe areas, flood protection elevation, draft of restrictive covenants to be filed with the final plat that provide that the floodplain area be left substantially in the same state as shown on the plat, establish streets and roads, and require that any additions or modifications to these facilities be in conformance with the City's Floodplain Management Regulations. It is the developer's responsibility to obtain a LOMR-F from FEMA and a watershed permit prior to final plat approval.

(b) Approval of a subdivision within a floodplain may be made subject to any conditions and assurances, guaranteed by a security agreement in the amount of 150 percent of the estimated cost of proposed improvements, that the City Council may deem necessary to substantially secure the intent and purpose of these regulations.

(2) Conditional Use Permits and Variances.

(a) The application for conditional use permits and variances for property located in a floodplain shall contain the following information in addition to normally required use permit and variance requirements: A plan indicating the proposed elevation of buildings and structures; material storage locations; grading of site; utility plans, including methods to protect utility installations from flood hazard, proposed flood proofing, fill, levees, channel modifications, and other methods to overcome flood or erosion hazard; and identification of floodway and flood fringe areas.

(b) A notice of public hearing as well as a copy of the application for a conditional use permit or variance within a floodplain area shall be submitted to the Commissioner of Natural Resources in order to provide the Commissioner with at least 10 days notice of the hearing.

(c) A copy of all decisions granting conditional use permits or variances within floodplain areas shall be forwarded to the Commissioner of Natural Resources within 10 days of such action.

(d) No variance shall permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by State law.

(e) Prior to issuance of a conditional use permit for property within a general floodplain the floodway, flood fringe, and flood protection elevation shall be determined pursuant to Minnesota Rules, Parts 6120.5000 through 6120.6200 and the Official Zoning Map amended to include these elevations.

(f) In addition to the Standards for Conditional uses found in subsection 11-304.3, the Planning Commission or City Council shall consider the following when reviewing a conditional use permit in the floodplain:

(i) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(ii) The danger that materials may be swept into other lands or downstream to the injury of others or they may block bridges, culverts, or other hydraulic structures.

(iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(v) The importance of the services provided by the proposed facility to the community.

(vi) The requirements of the facility for a waterfront location.

(vii) The availability of alternative locations not subject to flooding for the proposed use.

(viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(ix) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(x) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(xi) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(xii) Other such factors which are relevant to the purposes of this Ordinance.



City Council Regular

13.

Meeting Date: 12/01/2015

Subject: Consider Proposal and Letter of Engagement for Engineering Services - 2016 Well Rehabilitation Program (Project 16-7)

Submitted For: Tim Himmer, Public Works Director

From: Sarah Greene, Administrative Assistant II

INTRODUCTION

The City began a comprehensive well rehabilitation program following completion of a Water System Master Plan in 2001. The initial phase of the well rehabilitation program included rehabilitation of 25 of the City's municipal wells, along with booster pumping systems at both treatment plants. In 2011 we began a new 5-6 year well rehabilitation program. With the start of the 2016 funding cycle, Staff intends to establish a more deliberate and regimented program. Council is requested to accept the proposal from Short Elliot Hendrickson (SEH) and authorize execution of the engineering services letter of engagement for well and pump rehabilitation in 2016.

DISCUSSION

For the past several years, the City has contracted with SEH on numerous projects, including the annual sanitary sewer lining program. The scope of services for the 2016 program was developed by City staff, and outlined a regimented program of well and pump rehabilitation. SEH was one of three firms that received a Request for Proposal (RFP); they were selected based upon their project team, experience in the water distribution field, and overall cost.

Attached is the SEH proposal, combined with the City's letter of engagement form taken directly from the Master Consulting Agreement. Starting with Well Nos. 15, 21, 24 and 25, the City will begin a regular rotation of rehabilitation of its 24 wells and nine booster pumps. The scope of SEH's proposal includes professional engineering design, bidding and construction administration, and inspections services for the first four wells.

The proposed project schedule is as follows:

December 1, 2015	Start Design Phase Services
December 8, 2015	Submit bidding documents for approval to bid
December 15, 2015	Approval to Advertise for Bids
January 7, 2016	Receive Bids
January 12, 2016	Submit Documents for Award of Bids
January 19, 2016	Council Award of Bids
February 8, 2016	Start Construction
April 29, 2016	End Construction (all wells on-line)

RECOMMENDATION

It is recommended that the City Council accept the proposal for engineering services for the 2016 Well Rehabilitation Program from Short Elliott Hendrickson, Inc. and authorize execution of the letter of engagement in accordance with their proposal dated November 5, 2015.

BUDGET IMPACT:

The proposal contains a lump sum fee for engineering services in the amount of \$26,450.00, which is broken down into design phase (\$16,800.00), bidding phase (\$2,800.00) and construction phase (\$6,850.00).

Total estimated construction costs for the 2016 program will be determined during preparation of the plans and specifications, and brought forward to a future Council meeting for authorization to bid.

Attachments

16-7 LOE and Proposal

CITY OF COON RAPIDS

LETTER OF ENGAGEMENT

Project Name: 2016 Well Rehabilitation Project

Project No.: SEH No. P-COONR 134448

This Letter of Engagement is entered into this 1st day of December, 2015 by and between the CITY OF COON RAPIDS, 11555 Robinson Drive, Coon Rapids, Minnesota 55433 (the “City”) and Short Elliott Hendrickson, Inc. 3535 Vadnais Center Drive, St. Paul, Minnesota, 55110 (the “Consultant”).

RECITALS

WHEREAS, the City and the Consultant entered into an Engineering Master Consulting Agreement (the “Agreement”) on the 30th day of April, 2014; and

WHEREAS, this Agreement provides that the City will engage the Consultant from time to time to assist in providing engineering services for projects and studies designated by the City and as described through separate Letters of Engagement; and

WHEREAS, the City wishes to retain Consultant to perform Service(s) to assist with the following described project:

2016 Well Rehabilitation Project (the “Project”); and

WHEREAS, this Letter of Engagement outlines the Service(s) to be performed by the Consultant; the approved cost of the Project; and the Project schedule.

NOW, THEREFORE, in consideration of the mutual agreements herein contained and intending to be legally bound hereby, the City and the Consultant hereby agree as follows:

ARTICLE ONE

SERVICES TO BE PERFORMED BY THE CONSULTANT

The City hereby retains Consultant for the purposes of advising and consulting the City for the services described on Exhibit A attached hereto and made a part hereof.

ARTICLE TWO

SCHEDULE OF PERFORMANCE

The Consultant shall perform the services for the Project on the basis of the schedule attached hereto as Exhibit B and made a part hereof by reference. The schedule may be adjusted by mutual consent as the Service(s) proceed. The term limits established by the schedule and approved by the City shall not be exceeded by the Consultant or the City, except for a reasonable cause agreed to by the City.

ARTICLE THREE
CONSULTANT'S COMPENSATION

The City shall pay the Consultant for services furnished and the Consultant shall accept as full payment the sums described on Exhibit C attached hereto and made a part hereof.

ARTICLE FOUR
CAPITALIZED TERMS

Capitalized terms not otherwise defined herein have the meaning given them in this Agreement.

Subject to the terms and conditions of this Engagement Letter, all of the terms and conditions of the Engineering Master Consulting Agreement dated the 30th day of April, 2014 will remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Engagement Letter as of the date first above written.

CONSULTANT

Short Elliott Hendrickson, Inc.

By:  _____

Its: Regional Water Practice Center Leader

CITY OF COON RAPIDS

By: _____

Its: Mayor

By: _____
Its: City Manager

Recommended:

By: _____
Its: Public Works Director

Approved as to Form:

By: _____
Its: City Attorney

EXHIBIT A

SERVICES TO BE PERFORMED BY CONSULTANT

- Preliminary Engineering Reports
- Application for and pursuant to various funding programs
- Environmental Worksheets
- Design, Construction and Legal Boundary Surveys
- Detailed Design and Plan Preparation
- Technical Specifications
- Estimates and Construction Contract Documents
- Comparative Bids Solicitation and Evaluation
- Construction Engineering and Observation Services
- Contract Management
- Preparation of Record Plans and Final Contract Compliance Reports
- _____
- _____
- _____
- _____
- _____

EXHIBIT B

PROJECT SCHEDULE

Item	Date
Start Design Phase Services:	December 1, 2015
Submit bidding documents for approval to bid:	December 8, 2015
Approval to Advertise for Bids:	December 15, 2015
Receive Bids:	January 7, 2016
Submit Documents for Award of Bids:	January 12, 2016
Council Award of Bids:	January 19, 2016
Start Construction:	February 8, 2016
End Construction (all wells on-line):	April 29, 2016

EXHIBIT C

CONSULTANT'S COMPENSATION FOR PROJECT

Item	Amount	Reimbursable Expenses
Preliminary Report		
Preparation of contract documents and construction plans	\$16,800.00	Included
Preliminary Survey		
Design	Included above	Included
Construction Staking		
Bidding Services	\$2,800.00	Included
Construction Services	\$6,850.00	Included
Final Inspection	Included above	Included
Record Drawings	Included above	Included
Special Services		
Total Project Costs	\$26,450.00	Included

The above sums for services shall be Hourly Not to Exceed, subject only to adjustments for a change in scope of services performed, agreed upon in writing by the City and the Consultant.



EXHIBIT D CONSULTANT'S PROPOSAL

November 5, 2015

RE: Proposal for Design & Construction Phase Services
2016 Well Rehabilitation Program
Coon Rapids, MN
SEH No. COONR P-134448

Kory Jorgensen - Utilities Supervisor
City of Coon Rapids
Public Works Department
1831 111th Avenue NW
Coon Rapids, MN 55433

Dear Kory,

The City of Coon Rapids has followed a casual program for rehabilitating its wells and booster pumps on a periodic basis. With the start of the 2016 funding cycle, the City intends to establish a more deliberate and regimented program of well and pump rehabilitation. Starting with Well Nos 15, 21, 24 & 25, the City will begin a regular rotation of rehabilitation of its 24 wells and 9 booster pumps. To assist the City of Coon Rapids in this endeavor, SEH is pleased to present our proposal for professional design, bidding and construction administration/observation engineering services associated with the rehabilitation of these four (4) wells. Our proposed services for this project will be performed by our in-house staff of process and electrical engineers.

Project Description & SEH Scope of Services

Our proposed scope for the Design phase includes:

Design Phase Services

- a. Organize and attend a project kick off meeting with City staff.
- b. Data Collection efforts:
 - i. Obtain copies of the City's information on the design and construction of Well Nos 15, 21, 24 & 25 and the installed well pumps and motors.
 - ii. Obtain copies of the City's past maintenance records on Well Nos 15, 21, 24 & 25.
- c. Discuss and conclude with City staff general scope for well rehabilitation that includes wire brushing, video logging, bailing (as needed), pumping equipment inspection and repair/replacement, well alignment testing, etc...
- d. From our team meeting with you, we understand the basic rehabilitation scope will be modified to include these specific items. As part of our design process, we will review and confirm the final scope of the work at each well facility with you and your staff.

Well No. 15

- Install new stilling tube and PMC Miniature MTM 3000 Series pressure transducer.
- Install new 2nd access (stilling) tube for manual measurements.
- Magnetic Flowmeter, Badger brand consistent with other recent City installations.

Well No. 21

- Existing VFD to be replaced with City standard ABB brand VFD.
- Repair existing concrete pump base or steel pump discharge head base plate to stop water from leaking.
- Install new stilling tube and PMC Miniature MTM 3000 Series pressure transducer.
- Install new 2nd access (stilling) tube for manual measurements.
- Install AVK Swing Check Valve

Short Elliott Hendrickson Inc. | 3535 Vadnais Center Drive | Saint Paul MN 55110-5196

SEH is an equal opportunity employer | www.sehinc.com | 651.490.2000 | 800.325.2055 | 651.490.2150 fax

- Magnetic Flowmeter, Badger brand consistent with other recent City installations.
- Modify existing prelube to receive higher pressure. One option may be to utilize City water from the pipe connection on the west side of the garage. The other option is to install a small booster pump. These options will be reviewed with the MDH prior to final design.
- Install new smooth end sample tap.
- Install new digital pressure gauge.

Well Nos. 24 and 25

Since these facilities are very similar in design, the following specific improvements apply to both facilities.

- Existing VFD to be replaced with City standard ABB brand VFD. Fit in existing panel will be reviewed.
 - Install new stilling tube and PMC Miniature MTM 3000 Series pressure transducer.
 - Install new 2nd access (stilling) tube for manual measurements.
 - Install new smooth end sample tap.
 - Install new digital pressure gauge.
 - Replace existing air release valve with 2" size.
 - Magnetic Flowmeter, Badger brand consistent with other recent City installations.
- e. Schedule for rehabilitation work will be coordinated with the City's expectations and seasonal system operations to have the well work completed prior to May 1, 2016.
 - f. Preparation of a project manual including the contracting documents, construction scope and unit price bid items for rehabilitation of each of the four (4) well and pumping facilities.
 - g. Prepare location and existing construction drawings for each well facility.
 - h. Prepare electrical schematic drawings as needed for VFD replacement work.
 - i. Coordinate all SCADA system control work with City's system integrator to incorporate new pressure and flow sensing devices into City's system.
 - j. Submittal of 95% complete documents to City staff for review.
 - k. Coordinate plans with City staff for bidder's non-mandatory pre-bid meeting.
 - l. Attend meeting to discuss City's 95% document review comments.
 - m. Submittal of 100% complete documents to City staff for approval to advertise and bid the project.
 - n. Submittal of 100% complete documents to the MDH for review and approval. Required MDH plan review fees will be paid by City.

Our proposed scope for the Bidding phase includes:

Bidding Phase Services

- a. Prepare bid proposal and contract forms
- b. Issue bid advertisement
- c. Upload bidding documents to Quest
- d. Attend non-mandatory pre-bid meeting
- e. Respond to questions from prospective bidders
- f. Issue necessary addenda to Project Bid Documents
- g. Attend bid opening to receive bids
- h. Analyze bids, prepare bid tabulation and prepare bid summary letter to City Staff

Our proposed scope for the Step 3 Construction Administration and Observation phase includes:

Construction Phase Services

- a. Complete preparation of construction contracts for execution by the contractor and City.
- b. Upon receipt of the Contractor and City signed construction contracts, set-up and attend a pre-construction meeting and issue a formal project Notice to Proceed.

- c. Provide administration of the construction contracts including processing payment requests, reviewing submittals, and preparing change order documents as necessary.
- d. Provide critical point construction observation services to verify and document work progress and completion.
- e. Provide inspection services for review of the removed pumping equipment.
- f. Provide inspection services associated with well alignment testing.
- g. Provide start-up services for the new pumping and electrical equipment.
- h. Provide contract close-out services.

Project Schedule

Our team is available to begin the project work upon receipt of a signed proposal. Our estimated project schedule is as follows:

Start Design Phase Services:	December 1, 2015
Submit bidding documents for approval to bid:	December 8, 2015
Approval to Advertise for Bids:	December 15, 2015
Receive Bids:	January 7, 2016
Submit Documents for Award of Bids:	January 12, 2016
Council Award of Bids:	January 19, 2016
Start Construction:	February 8, 2016
End Construction (all wells on-line):	April 29, 2016

Consultant Staff

I will serve as the project manager for this Project and will be responsible for coordinating SEH's all in-house team of engineers through the design, bidding and construction phase services. Jeff Ledin, P.E. will assist with project engineering efforts. Tom Honer, P.E. will lead the electrical design and construction phase efforts.

Compensation

Design Phase Engineering Fees

We propose to complete the outlined Design Phase efforts for an hourly, Not-to-Exceed amount of \$16,800.00, which includes Reimbursement Expenses.

Bidding Phase Engineering Fees

We propose to complete the outlined Bidding Phase efforts for an hourly, Not-to-Exceed amount of \$2,800.00, which includes Reimbursement Expenses.

Construction Phase Engineering Fees

We propose to complete the outlined Phase 3 efforts on an hourly basis which is in accordance with our standard billing rate schedule. Assuming a one month construction period, we propose a Not-to-Exceed amount of \$6,850.00 for contract administration, construction engineering and periodic construction observation, which includes Reimbursement Expenses.

Total Engineering Fees

Total proposed engineering fees are \$26,450. We understand this Not-to-Exceed amount cannot increase without further authorization from you.

General Services Agreement

The terms and conditions of this proposal wholly include the contents of the General Services Agreement between the City of Coon Rapids and Short, Elliot, Hendrickson, Inc. Upon approval of this proposal, we will assemble a project amendment to our standard agreement.

Closure

We want to thank you for the opportunity to provide the City of Coon Rapids with this proposal. As always, it is very important to us our services continue to meet and surpass your needs and expectations. After you have had an opportunity to review this proposal, we would like to hear any comments, concerns or questions you may have. If this proposal is acceptable, please sign and return a copy of this proposal letter, authorizing us to proceed with the project.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.



Miles B. Jensen, PE
Principal | Regional Practice Center Leader

mbj
Enclosure or Attachment

c:
c:\users\mjensen\documents\mbj\coon rapids\wells\seh design and construction phase engineering services proposal coon rapids 2016 well rehabilitation program.v1.docx

This is accepted by the City of Coon Rapids, Minnesota

on this _____ day of _____, 2015

By: _____

Date: _____



City Council Regular

14.

Meeting Date: 12/01/2015

Subject: Consider Introduction of an Ordinance Amending City Code 5-900 Tobacco

From: Joan Lenzmeier, City Clerk

INTRODUCTION

Council is asked to introduce ordinance amending City Code 5-900 Tobacco.

DISCUSSION

The City Code regarding tobacco sales was discussed at the March 17, 2015 City Council Work Session. At that time, staff had proposed several amendments to the current City Code including adding language to include electronic delivery devices, adding language to prohibit smoking indoors at retail tobacco establishments, and adding new manager language.

After discussion and hearing concerns from local retail tobacco business owners, the Council directed staff to remove the language from the proposed Ordinance that would prohibit smoking indoors at retail establishments.

The Ordinance before Council for introduction only includes the electronic delivery device additions to the City Code and the new manager language, the section that would have prohibited smoking indoors at retail tobacco establishments has been removed.

RECOMMENDATION

Staff recommends Council introduce an ordinance amending City Code 5-900 Tobacco.

Attachments

Tobacco Ordinance

ORDINANCE NO.

**AN ORDINANCE REVISING TOBACCO TO INCLUDE
ELECTRONIC DELIVERY DEVICES AND ADDING
NEW MANAGER AND THEREBY AMENDING REVISED
CITY CODE – 1982 SECTION 5-901, 5-902, 5-903, 5-910, 5-911,
5-912, 5-913, 5-914, 5-915, 5-916, 5-917, 5-920 AND
ADDING 5-922**

The City of Coon Rapids does ordain:

Section 1. Revised City Code – 1982 Sections 5-901 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-901 Purpose. The City of Coon Rapids recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, [~~and~~] tobacco related devices, and electronic delivery devices and that such sales, possession, and use are in violation of both State and Federal laws. The City finds that studies have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who reach the age of 18 years without having started smoking are significantly less likely to begin smoking; and that smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; therefore this Chapter is intended to regulate the sale, possession, and use of tobacco, tobacco products, [~~and~~] tobacco related devices, and electronic delivery devices for the purpose of enforcing and furthering existing laws to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, [~~and~~] tobacco related devices, and electronic delivery devices and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minnesota Statutes, Section 144.391.

Section 2. Revised City Code – 1982 Sections 5-902 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-902 Definitions. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following terms shall have the definitions given to them:

(1) Tobacco or Tobacco Products. “Tobacco” or “Tobacco Products” shall mean any substance or item containing tobacco leaf, including but not limited to, cigarettes; cigars; little cigars; pipe tobacco; snuff; snuff flour; fine cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, cavendish; shorts; plug and twist tobacco; dipping tobacco; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such manner as to be suitable for chewing, sniffing, or smoking. Any products containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product.[Revised 10/19/10, Ordinance 2050] Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

(2) Tobacco Related Devices. “Tobacco Related Devices” shall mean any tobacco

product as well as a pipe, rolling papers, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products.

(3) Self-service Merchandising. “Self-service Merchandising” shall mean open displays of tobacco, tobacco products, ~~[or]~~ tobacco related devices, or electronic delivery devices in any manner where any person shall have access to the tobacco, tobacco products, ~~[or]~~ tobacco related devices, or electronic delivery devices without the assistance or intervention of the licensee or the licensee’s employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, ~~[or]~~ tobacco related device, or electronic delivery devices between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

(4) Vending Machine. “Vending Machine” shall mean any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products, ~~[or]~~ tobacco related devices, or electronic delivery devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco products, ~~[or]~~ tobacco related device~~[-]~~, or electronic delivery devices.

(5) Individually Packaged. “Individually Packaged” shall mean the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single cigars, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this subdivision shall not be considered individually packaged.

(6) Loosies. “Loosies” shall mean the common term to refer to a single or individually packaged cigarette.

(7) Minor. “Minor” shall mean any natural person who has not yet reached the age of 18 years.

(8) Retail Establishment. “Retail Establishment” shall mean any place of business where tobacco, tobacco products, ~~[or]~~ tobacco related devices, or electronic delivery devices are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.

(9) Movable Place of Business. “Movable Place of Business” shall refer to any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address storefront or other permanent type of structure authorized for sales transactions.

(10) Sale. A “Sale” shall mean any transfer of goods for money, trade, barter, or other consideration.

(11) Compliance Checks. “Compliance Checks” shall mean the system the City uses to investigate and ensure that those authorized to sell tobacco, tobacco products, ~~[and]~~ tobacco related devices, and electronic delivery devices are following and complying with the requirements of this Chapter. Compliance checks shall involve the use of minors as authorized by this Chapter. Compliance checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, ~~[or]~~ tobacco related devices, or electronic delivery devices for educational, research, and training purposes as authorized by State and Federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate Federal, State, or local laws and regulations relating to tobacco, tobacco products, ~~[and]~~ tobacco related devices~~[-]~~, and electronic delivery devices.

(12) Electronic Delivery Device. “Electronic Delivery Device” shall mean any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery

device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

(13) Smoking. "Smoking" shall mean inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product, or inhaling or exhaling vapor from any electronic delivery device. Smoking shall include carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.

(14) Indoor Area. All space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

Section 3. Revised City Code – 1982 Sections 5-903 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-903 License. No person shall sell, offer for sale, keep for sale, or otherwise dispose of, directly or indirectly, any tobacco, tobacco products, ~~[or]~~ tobacco related devices, or electronic delivery devices without first obtaining a license to do so from the City.

(1) Exceptions.

(a) This Section does not apply to the wholesale of tobacco, tobacco products, or tobacco related devices provided sales are not made to the general public.

(b) This Section does not apply to retail establishments that may incidentally sell articles which could meet the definition of tobacco related devices, but which establishments do not sell tobacco or tobacco products and the articles sold are not intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco products.

(2) Application. An application for a license shall be made to the City Clerk in writing on a form provided by the City. The application shall include the following:

(a) Applicant's full name and date of birth.

(b) Applicant's residence address and telephone number.

(c) Applicant's business address and telephone number.

(d) Name of applicant's business.

(e) Location of applicant's business.

(f) Kind of business being conducted or to be conducted.

(g) Whether the applicant has been convicted within the last five years of violating any Federal, State, or local laws relating to the sale of tobacco, tobacco products, ~~[or]~~ tobacco related devices, or electronic delivery devices and if so where and when.

(h) Whether the applicant has, within the preceding 24 months, had a license to sell tobacco, tobacco products, ~~[or]~~ tobacco related devices, or electronic delivery devices suspended or revoked by any jurisdiction, and, if so, where and when.[Revised 3/1/05, Ordinance 1871]

(i) Such other information as required by the City.

(3) Issuance of License. New licenses and license renewals shall be issued or denied by the City Clerk in accordance with the provisions of Section 5-102, except that the Clerk shall have an initial review period of up to 30 business days in which to issue or deny a license.[Revised 3/1/05, Ordinance 1871]

(4) Appeal. Any person aggrieved by the action of the City Clerk in issuing or denying a new or renewal license may appeal that decision to the City Council by submitting a written appeal request, stating the grounds for the appeal, to the City Clerk within 10 calendar days

following the Clerk's decision. The Clerk shall submit a properly submitted appeal to the City Council in accordance with the provisions of Section 5-104. A license issued by the Clerk shall remain in effect until the City Council has acted on the matter. The Council may affirm or overturn the action of the Clerk. In the event the Council overturns the action of the Clerk and denies the application, the previously issued license shall be immediately null and void.[Revised 3/1/05, Ordinance 1871]

Section 4. Revised City Code – 1982 Sections 5-910 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-910 Basis for Denial of License. The following shall be grounds for denying the issuance or renewal of a license under this Chapter; however, except as may otherwise be provided by law, the existence of any particular grounds for denial does not require that the City deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this Section:

- (1) The applicant is under the age of 18 years.
- (2) The applicant has been convicted within the past five years of a violation of a Federal, State, or local law, ordinance provision or other regulation relating to tobacco, tobacco products, ~~[or]~~ tobacco related devices~~[-]~~, or electronic delivery devices.
- (3) The applicant has had a license to sell tobacco, tobacco products, ~~[or]~~ tobacco related devices, or electronic delivery devices revoked within the preceding 12 months of the date of application.
- (4) The applicant fails to provide any information on the application or provides false or misleading information.
- (5) The applicant is prohibited by Federal, State, or other local law, ordinance, or other regulation, from holding such a license.

Section 5. Revised City Code – 1982 Sections 5-911 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-911 Prohibited Sales. It shall be a violation of this Chapter for any person to sell or offer to sell any tobacco, tobacco products, ~~[or]~~ tobacco related device, or electronic delivery devices:

- (1) To any person under the age of 18 years.
- (2) By means of any type of vending machine.
- (3) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premises in order to receive the tobacco, tobacco product, ~~[or]~~ tobacco related device, or electronic delivery devices and whereby there is not a physical exchange of the tobacco, tobacco product, ~~[or]~~ tobacco related device, or electronic delivery devices between the licensee or the licensee's employee and the customer.
- (4) By means of loosies.
- (5) Containing opium, morphine, jimsonweed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.
- (6) By any other means, to any other person, or in any other manner or form prohibited by Federal, State, or other local law, ordinance provision, or other regulation.

Section 6. Revised City Code – 1982 Sections 5-912 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-912 Vending Machines. It shall be unlawful for any person, whether or not licensed under this Chapter, to allow the sale of tobacco, tobacco products, ~~{}~~ tobacco related devices, or electronic delivery devices by means of a vending machine.

Section 7. Revised City Code – 1982 Sections 5-913 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-913 Self-service Sales. It shall be unlawful for a licensee under this Chapter to allow the sale of tobacco, tobacco products, ~~{}~~ tobacco related devices, or electronic delivery devices by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product, ~~{}~~ the tobacco related devices, or electronic delivery devices between the licensee or his or her clerk and the customer. All tobacco, tobacco products, ~~{}~~ tobacco related devices, and electronic delivery devices shall either be stored behind a counter or other area not freely accessible to customers or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products, ~~{}~~ tobacco related devices, or electronic delivery devices at the time this Chapter is adopted shall comply with this Section within 90 days. This Section does not apply to stores that generate at least 90 percent of their revenues from the sale of tobacco, tobacco products, ~~{}~~ tobacco related devices, or electronic delivery devices. provided that minors are, at all times, prohibited from entering the stores.

Section 8. Revised City Code – 1982 Sections 5-914 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-914 Responsibility. All licensees under this Chapter shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, ~~{}~~ tobacco related devices, or electronic delivery devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this Section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this Chapter, State or Federal law, or other applicable law or regulation.

Section 9. Revised City Code – 1982 Sections 5-915 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-915 Compliance Checks and Inspections. All licensed premises shall be open to inspection by the City Police or other authorized City official during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of 15 years, but less than 18 years, to enter each licensed premises to attempt to purchase tobacco, tobacco products, ~~{}~~ tobacco related devices~~[-]~~, or electronic delivery devices. Minors used for the purpose of compliance checks shall be supervised by City designated law enforcement officers or other designated City personnel. Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, ~~{}~~ tobacco related devices, or electronic

delivery devices when such items are obtained as part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by State or Federal laws for educational, research, training purposes or required for enforcement of a particular State or Federal law.

Section 10. Revised City Code – 1982 Sections 5-916 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-916 Other Illegal Acts. Unless otherwise provided, the following acts shall be a violation of this Chapter:

(1) Illegal Sales. It shall be a violation of this Chapter for any person to sell or otherwise provide any tobacco, tobacco product, ~~{ø}~~ tobacco related device, or electronic delivery devices to any minor.

(2) Illegal Possession. It shall be a violation of this Chapter for any minor to have in his or her possession any tobacco, tobacco product, ~~{ø}~~ tobacco related device~~[-]~~, or electronic delivery devices. This sub-section shall not apply to minors lawfully involved in a compliance check.

(3) Illegal Use. It shall be a violation of this Chapter for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, ~~{ø}~~ tobacco related device~~[-]~~, or electronic delivery devices.

(4) Illegal Procurement. It shall be a violation of this Chapter for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, ~~{ø}~~ tobacco related device, or electronic delivery devices, and it shall be a violation of this Chapter for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, ~~{ø}~~ tobacco related device~~[-]~~, or electronic delivery devices. This sub-section shall not apply to minors lawfully involved in a compliance check.

(5) Use of False Identification. It shall be a violation of this Chapter for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one in which the age of the person has been modified or tampered with, to represent an age older than the actual age of the person.

Section 11. Revised City Code – 1982 Sections 5-917 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-917 Violations.

(1) Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.

(2) Hearings. If a person accused of violating this Chapter so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.

(3) Hearing Officer. The City Manager shall from time to time designate a hearing officer.

(4) Decision. If the hearing officer determines that a violation of this Chapter did occur, the decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under Section 5-918 of this Chapter, shall be recorded in writing, a copy of which shall

be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

(5) Appeals. Appeals of any decision made by the hearing officer may be made to the City Council by filing a written request for an appeal with the hearing examiner within 10 days after the hearing examiner's decision. The hearing examiner shall place the appeal on the next Council agenda that is held at least 10 days following the receipt of the appeal request. Appeals from any decision of the City Council shall be filed in the District Court for the City in which the alleged violation occurred.

(6) Misdemeanor Prosecution. Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this Chapter. If the City elects to seek misdemeanor prosecution, no administrative penalties shall be imposed.

(7) Continued Violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

(8) Affirmative Defense. It is an affirmative defense to the charge of selling or otherwise providing tobacco, tobacco products, [ø] tobacco related devices, or electronic delivery devices to a minor in violation of Section 5-916(1) that the licensee or individual selling or providing the tobacco, tobacco products, [ø] tobacco related device, or electronic delivery devices relied in good faith upon proof of age as described in Minnesota Statutes, Section 340A.503, subd. 6.

Section 12. Revised City Code – 1982 Sections 5-920 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-920 Exceptions and Defenses. Nothing in this Chapter shall prevent the providing of tobacco [~~tobacco products, or tobacco related devices~~] to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony.

Section 13. Revised City Code – 1982 Section 5-922 is hereby added as follows:

(deletions in brackets, additions double underlined)

5-922 New Manager. When a licensee places a manager in charge of a business licensed pursuant to this Chapter, every change in manager at that business location will be subject to the following:

(1) Within 14 days the licensee must submit to the City Clerk an application for new manager on a form provided by the City.

(2) The application will include the appropriate information required under Section 5-903(2) and such other relevant information as the Clerk may require.

(3) The application must be accompanied by an investigation fee in an amount determined from time to time by ordinance of the City Council.

(4) Within 30 days of receipt of the application, the Clerk must approve or deny the application by written notice to the licensee. The notice must include specific reasons for any denial. Failure of the Clerk to act on an application within 30 days will constitute approval, provided, however, that for cause the Clerk may extend the review for a period not to exceed an additional 30 days by providing written notice of the extension, including reasons therefore, to the licensee before the end of the initial 30 day period.

(5) The decision of the Clerk may be appealed by the licensee or the manager in accordance with the provisions of Section 5-104.

(6) Hiring or retaining a manager after notice to the licensee that the manager does not comply with the requirements of Section 5-910 will constitute grounds for license suspension or revocation.

Introduced this 1st day of December, 2015.

Adopted this ____ day of _____, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

15.

Meeting Date: 12/01/2015

Subject: Adopt Resolution 15-134 Approving 2016 Civic Center Fees

Submitted For: Sharon Legg, Finance Director **From:** Sharon Legg, Finance Director

INTRODUCTION

Staff recommends a change to the City Center Facility rental fee schedule.

DISCUSSION

Presently, the Civic Center rents facilities to users of events during the year including weddings, banquets, parties, athletic group functions, etc. Staff recommends that fees in effect since 2012 be increased for 2016. The increase in rates still allows the Civic Center to be competitive with other event venues while allowing the City to cover increases in costs including goods and services required to run a quality facility. Minor changes have been made since 2012 with no significant increase. In general, the fee to use the Civic Center will increase roughly ten percent but has been rounded to the next significant number. Civic Center fees with this increase will essentially cover the direct cost of the operation excluding building depreciation and utilities.

RECOMMENDATION

Adopt Resolution No. 15-134, Amending Fees and Charges for Use of the City Center Facilities.

BUDGET IMPACT:

Attachments

RS 15-134

RESOLUTION NO. 15-134

**RESOLUTION AMENDING CERTAIN FEES AND CHARGES
FOR USE OF THE CITY CENTER FACILITIES**

WHEREAS, the City Center complex was built with banquet facilities allowing for the senior dining program; and

WHEREAS, these facilities will be available for public rental; and

WHEREAS, the conference rooms and other rooms will be available for public use; and

WHEREAS, it is in the best interest of the City that costs of services be borne to the extent practical by the users of those services; and

NOW, THEREFORE, BE IT RESOLVED that the following fee schedule be adopted for reservations made after January 1, 2016, for the use of the City Center facilities.

2016 Services & Fees

	<u>Mon-Thurs</u>	<u>Friday*</u>	<u>Saturday*</u>	<u>Sunday</u> <u>4 hr block</u>
Civic Rooms A & B plus Training room				
• Coon Rapids Civic, Athletic or Public	\$265	\$265	\$730	\$175
<i>Additional hourly rate if needed</i>	\$65	\$65	\$75	\$45
• Coon Rapids Resident, Coon Rapids Non-Profit or Coon Rapids Business	\$310	\$520	\$730	\$175
Non-Resident	\$370	\$620	\$840	\$228
<i>Additional hourly rate if needed</i>	\$80	\$85	\$90	\$50
Civic Rooms A & B rental rates:				
• Coon Rapids Civic, Athletic or Public	\$110	\$180	\$600	\$130
• Coon Rapids Resident, Non-Profit or Business	\$195	\$440	\$600	\$130
• Non-Resident	\$240	\$520	\$690	\$175
<i>Additional hourly rate if more needed</i>	\$75	\$80	\$85	\$35
Training Room rental rates:				
• Coon Rapids Civic, Athletic or Public	\$45	\$80	\$125	\$44
• Coon Rapids Resident, Coon Rapids Non-Profit or Coon Rapids Business	\$110	\$80	\$125	\$44
• Non-Resident	\$125	\$100	\$150	\$52
<i>Additional hourly rate if more needed</i>	\$28	\$38	\$50	\$11

Additional hours are \$15 per hour

DAMAGE DEPOSIT:

- \$500 for Banquet Rooms – due 30 days prior to event
- \$250 for Civic Rooms A & B – due 30 days prior to event
- \$175 for Civic Room A or B – due 30 days prior to event
- \$75 for Training Room – due upon application
- \$50 for Conference Rooms – due upon application

EQUIPMENT RENTALS RATES (including sales tax):

- projection screen* \$5
- white board easel* \$5
- regular easel* \$5
- microphone* \$10
- slide or overhead projector* \$5
- LCD projector, DVD/VCR player \$50
- small TV/VCR* \$5
- piano \$50
- grills \$20 each
- coffee maker* \$10
- tablecloths (round and 8 foot) \$4.50 each
- napkins \$.45 each
- plates \$0.50/item; replacement cost \$5.00/item
- coffee cups \$0.50/item; replacement cost \$5.00/item
- goblets \$0.50/item; replacement cost \$5.00/item
- coffee servers \$3.00/item; replacement cost \$15.00/item
- pitchers \$1.00/item; replacement cost \$5.00/item
- salt and pepper shakers \$1.50/set; replacement cost \$4.00/set
- chocolate fountain \$20.00; replacement cost \$50.00
- punch bowls \$5.00/each; replacement cost \$40.00/item
- mirror squares \$1.00/each; replacement cost \$5.00/item
- ice votives \$.50/each; replacement cost \$2.00/item
- wedding chairs \$3.50 /each; replacement cost \$55/item
- Portable Speaker system* \$25

*Civic, Athletic and Public exempt.

Adopted by the Coon Rapids City Council this 1st of December, 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

16.

Meeting Date: 12/01/2015

Subject: Introduce Ordinance Restricting Parking on 105th Avenue NW

Submitted For: Mark Hansen, Assistant City Engineer

From: Sarah Greene, Administrative Assistant II

INTRODUCTION

Staff is requesting the City Council introduce a no parking ordinance on both sides of 105th Avenue NW from Foley Boulevard to a distance of 150 feet east and west.

DISCUSSION

On October 20, City staff sent a letter to residents along 105th Avenue, east and west of Foley Boulevard, requesting feedback regarding a proposal to permanently post No Parking signs along both sides of 105th Avenue from Foley Boulevard to a distance of 150 feet east and west. The proposal came about due to resident concerns upon completion of Anoka County's Foley Boulevard reconstruction project and related street reconfigurations. It was stated that on-street parking creates sight obstructions for drivers and pedestrians. Staff reviewed the area during a regular Traffic Review Committee meeting. Staff received several resident responses on this matter indicating they are not in favor of permanently posting No Parking signs along both sides of 105th Avenue. A follow-up letter and map of current parking conditions (attached) was sent to residents on November 13, 2015 to make them aware of the recommended parking restrictions to be presented to Council. Staff has not received additional comments regarding the proposed recommendations.

RECOMMENDATION

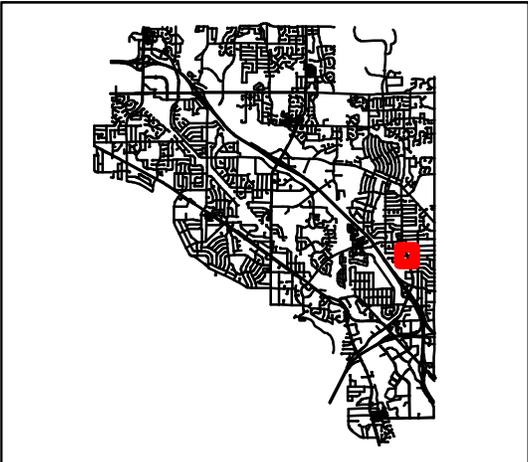
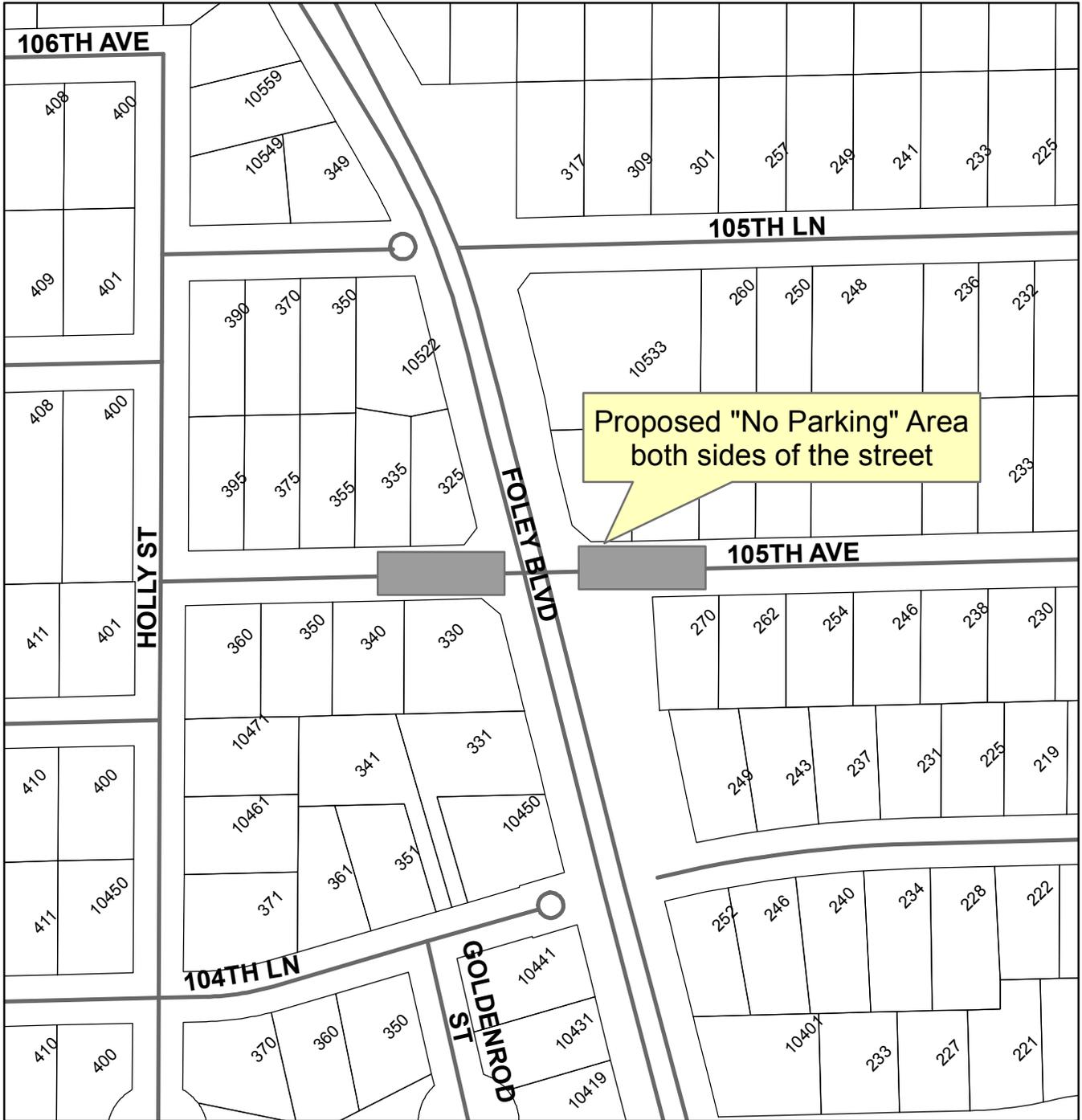
Staff recommends the City Council introduce an ordinance restricting parking on both sides of 105th Avenue NW from Foley Boulevard to a distance of 150 feet east and west.

Attachments

105th Avenue Layout

Resident Mailing

Ordinance



11155 Robinson Drive
Coon Rapids MN 55433
Tel 763-755-2880
Fax 763-767-6491
www.coonrapidsmn.gov



November 13, 2015

Subject: On-Street Parking Along 105th Avenue NW - Resident Follow Up Letter

Dear Resident,

On October 20, City staff sent a letter to residents along 105th Avenue NW east and west of Foley Boulevard requesting feedback regarding a proposal to permanently post No Parking signs along both sides of 105th Avenue NW. This proposal came about due to complaints from area residents regarding parked vehicles creating sight obstructions along 105th Avenue.

We received several resident responses on this matter. Staff have reviewed the situation, and developed the attached graphic that shows approximately where vehicles already cannot park along 105th Avenue due to current City Ordinances. Parking is not allowed in front of or opposite driveways, within 20-feet of a fire hydrant, 50-feet of an intersection, and within a right turn lane.

With consideration to safety and minimal impact to current on-street parking areas, staff intends to recommend No Parking on both sides of 105th Avenue NW east and west of Foley Boulevard to a distance of 150 feet. By restricting parking in this area, vehicle sight lines will be improved at the intersection.

The City Council will make the final decision on the placement of any No Parking signs. Staff will recommend the introduction of an ordinance requiring No Parking in the area indicated above at the December 1, 2015 Council meeting. Please contact us prior to December 1 if you would like to provide feedback to be included in the discussion with the Council. If Council decides to move forward with the ordinance, adoption would be scheduled for the December 15, 2015 Council meeting.

If you have any further questions or concerns on this matter, please feel free to contact me at 763-767-6465 or mhansen@coonrapidsmn.gov.

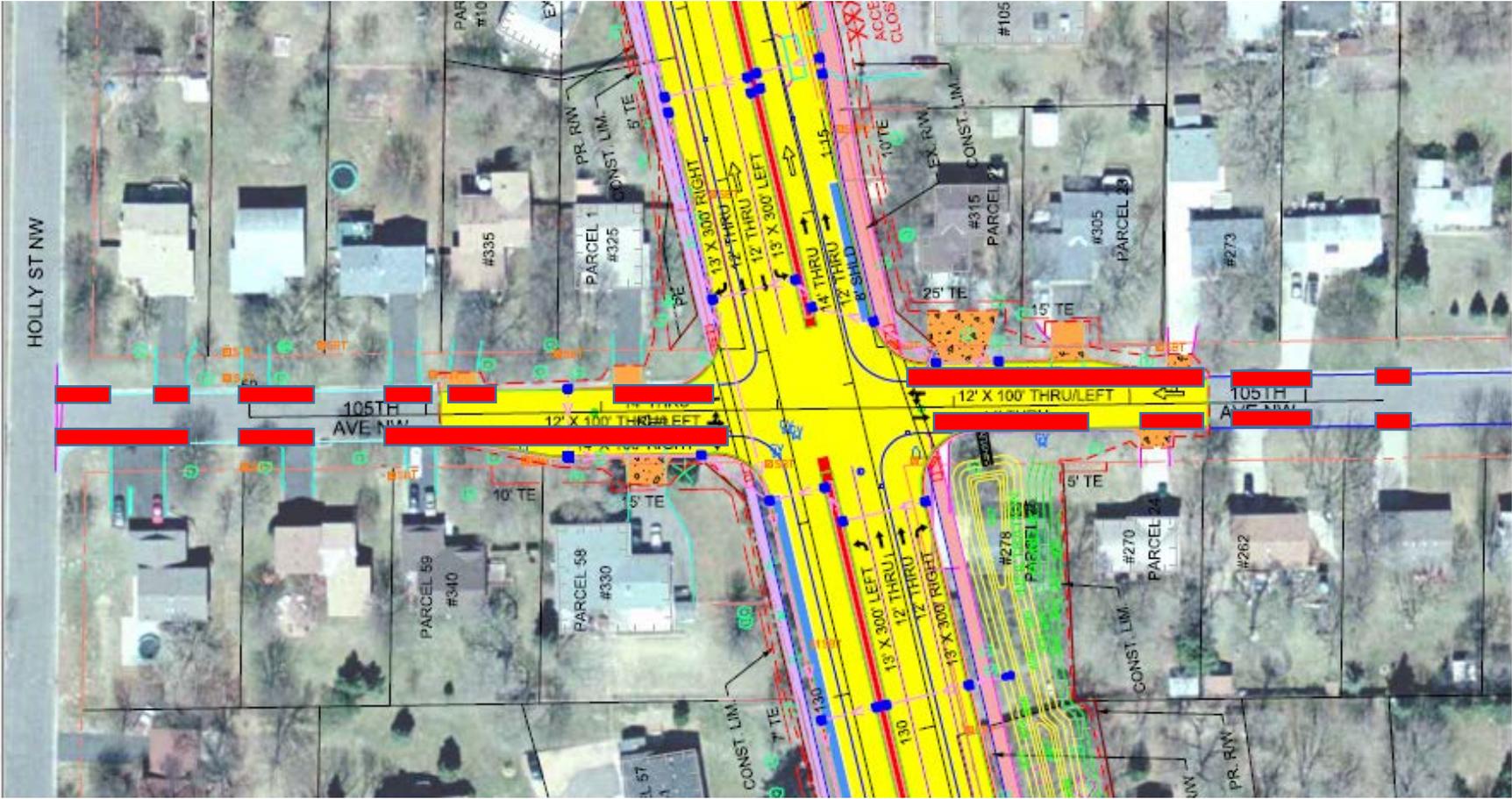
Sincerely,

A handwritten signature in blue ink, appearing to read "Mark C. Hansen".

Mark C. Hansen, P.E.
Assistant City Engineer

cc: Tim Himmer, Public Works Director
Brad Wise, Chief of Police
Brad Johnson, Ward 5 Council Member

PARKING RESTRICTIONS
Based on Current City Ordinances



ORDINANCE NO.

**AN ORDINANCE RESTRICTING PARKING ON BOTH SIDES OF
105th AVENUE NW FROM FOLEY BOULEVARD TO A
DISTANCE OF 150 FEET EAST AND WEST**

The City of Coon Rapids does ordain:

Section 1. There is hereby established a parking restriction on both sides of 105th Avenue NW from Foley Boulevard to a distance of 150 feet east and west.

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

Introduced on the 1st day of September, 2015.

Adopted on the _____ day of _____, 20____.

Jerry Koch, Mayor

ATTEST:

City Clerk



City Council Regular

17.

Meeting Date: 12/01/2015

Subject: Approve Class A On Sale and Sunday Liquor License for Broadway Pizza, 3420 129th Ave NW

From: Stephanie Lincoln, Deputy City Clerk

INTRODUCTION

Council is asked to approve a Class A On Sale and Sunday Liquor License for BMB Enterprises Inc, d/b/a Broadway Bar and Pizza @ Coon Rapids.

DISCUSSION

The ownership of Broadway Pizza located at 3420 129th Avenue NW has changed to William Jackson and William Piper III necessitating the application for a Class A On Sale and Sunday Liquor License in the new entity's name.

The license and investigation fees have been paid. The Police Department is conducting the background investigation as required by the City's Code. A Certificate of Insurance evidencing liquor liability and workers' compensation coverage has been received. However, the Clerk's Office has also received notice from the Minnesota Department of Revenue that, until further notice, a license may not be issued, renewed, nor transferred to a business residing at the 3420 129th Ave NW address. This notice relates to the previous ownership and in no way relates to the new ownership. Approval of the license would be conditioned upon the Minnesota Department of Revenue issuing a clearance certificate, completion of successful background investigations, and Anoka County Environmental Services issuing a food service license.

RECOMMENDATION

Approve issuance of a Class A On-Sale and Sunday Liquor License to BMB Enterprises, Inc, d/b/a Broadway Bar and Pizza @ Coon Rapids located at 3420 129th Avenue NW contingent upon the Minnesota Department of Revenue issuing a clearance certificate, completion of successful background investigations, and Anoka County Environmental Services issuing a food service license.
