



Council Work Session - Immediately Following City Council Meeting
HRA Work Session - Immediately Following City Council Work Session
HRA Closed Session - Immediately Following HRA Work Session

CITY COUNCIL AGENDA

Wednesday, March 2, 2016

7:00 p.m.

**Coon Rapids City Center
Council Chambers**

Call to Order

Pledge of Allegiance

Roll Call

Adopt Agenda

Proclamations/Presentations

1. Presentation by Family Promise
2. Senator Jim Abeler and Representative Peggy Scott

Approval of Minutes of Previous Meeting

3. Approve Minutes of February 16, 2016

Consent Agenda

4. Approve Expenditures for Woodview Park Upgrade
5. Approve Agreement for On-Line Bill Pay for Utility Billing
6. Approve Waiver of Carnival License Fees for the 2016 Springfest Celebration on May 20 & 21, 2016
7. Adopt Resolution 16-34 Agreement for Minnesota Government Access (MGA)

Public Hearing

Bid Openings and Contract Awards

Old Business

8. Consider Adoption of Ordinance 2159, An Ordinance Adding Requirements for Microdistilleries, Brew Pubs and Brewer Taprooms
9. Consider Adoption of Ordinance 2160, An Ordinance Amending City Code 5-900 Tobacco

New Business

10. PC 16-5, Consider Applicant Request for Code Amendment to Allow Boat and Motor Repair in PORT Campus Square
11. Consider Request for Two Additional Regular Part-Time Positions at CTN

Open Mic/Public Comment

Reports on Previous Open Mic

Other Business

Adjourn



City Council Regular

1.

Meeting Date: 03/02/2016

Subject: Presentation by Family Promise

From: Joan Lenzmeier, City Clerk

INTRODUCTION

DISCUSSION

RECOMMENDATION



City Council Regular

2.

Meeting Date: 03/02/2016

Subject: Senator Jim Abeler and Representative Peggy Scott

From: Joan Lenzmeier, City Clerk

INTRODUCTION

Senator Jim Abeler and Representative Peggy Scott will attend the meeting to discuss the upcoming legislative session. Senator Abeler and Representative Scott will be attending another Council meeting at 7:00 and plan to arrive at 7:30 or 7:40 at this meeting.

DISCUSSION

RECOMMENDATION



City Council Regular

3.

Meeting Date: 03/02/2016

SUBJECT: Approve Minutes of February 16, 2016

Attachments

February 16, 2016

UNAPPROVED

COON RAPIDS CITY COUNCIL MEETING MINUTES OF FEBRUARY 16, 2016

CALL TO ORDER

The second regular meeting of the Coon Rapids City Council for the month of February was called to order by Mayor Jerry Koch at 7:00 p.m. on Tuesday, February 16, 2016, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Koch led the Council in the Pledge of Allegiance.

ROLL CALL

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

Members Absent: None

ADOPT AGENDA

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT THE AGENDA AS AMENDED ADDING ITEM 1A TO THE AGENDA, A PRESENTATION FROM MARK UGLEM. THE MOTION PASSED UNANIMOUSLY.

PROCLAMATIONS/PRESENTATIONS

1A. PRESENTATION FROM REPRESENTATIVE MARK UGLEM

State Representative Mark Uglem thanked the Council for their time. He was honored to represent a portion of Coon Rapids and the City of Champlin. He discussed the upcoming session noting it would be extremely short. He indicated a great deal of work would have to be conducted in a short span of time (March 8 through May 27). He noted the Capitol was under renovation and there were limited facilities. He provided the Council with an update on the proposed bonding bills, TIF extension and transportation bill. It was his hope this would be a productive session.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

1. FEBRUARY 2, 2016, COUNCIL MEETING

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE MINUTES OF THE FEBRUARY 2, 2016, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA/INFORMATIONAL BUSINESS

2. AUTHORIZE PURCHASE OF JETTER/CAMERA TRUCK
3. ADOPT RESOLUTION 16-32 AMENDING THE 2016 BUDGET FOR THE PURCHASE OF A REPLACEMENT POLICE VEHICLE
4. AUTHORIZE APPLICATION FOR COON CREEK WATERSHED GRANT
5. ADOPT RESOLUTION 16-31, ACCEPTING 2016 SCORE GRANT FROM ANOKA COUNTY
6. RECEIVE 2015 YEAR END GAMBLING EXPENDITURE REPORT
7. RECEIVE GAMBLING REPORT AND AUTHORIZE PAYMENT TO COMMUNITY STRENGTH FOUNDATION

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

PUBLIC HEARING

8. HOLD PUBLIC HEARING/ASSESSMENT HEARING, ADOPT RESOLUTION 16-1(6A) ORDERING PROJECT, ADOPTION RESOLUTION 16-1(8) APPROVING PLANS AND SPECIFICATIONS

The Staff report was shared with Council.

Mayor Koch asked if anyone attended the recent Open House for this project. Assistant City Engineer Hansen reported there were 12 to 15 people in attendance at the Open House.

Mayor Koch opened and closed the public hearing at 7:25 p.m. since no one appeared to address the Council.

Councilmember Johnson appreciated staff's thorough and detailed report on the proposed project.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT RESOLUTION NO. 16-1(6A) ORDERING THE IMPROVEMENT.

Councilmember Demmer discussed the major trucking facility along this roadway. He asked if the proposed improvements would withstand the heavy truck traffic. Assistant City Engineer reported this was the case.

THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT RESOLUTION NO. 16-1(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS. THE MOTION PASSED UNANIMOUSLY.

9. HOLD PUBLIC HEARING/ASSESSMENT HEARING, ADOPT RESOLUTION 16-2(6A) ORDERING PROJECT, ADOPT RESOLUTION 16-2(8) APPROVING PLANS AND SPECIFICATIONS

The Staff report was shared with Council.

Councilmember Geisler asked if the proposed bike lane would be on one side of the street. Assistant City Engineer Hansen explained the bike lane would run on both sides of the street.

Councilmember Klint expressed concern with the safety of those using the proposed bike lanes. She questioned how the City felt about this safety concern. City Attorney Brodie advised that bikers would have to understand that they are sharing the road with automobiles. He reported the City would not have any liability and noted these lanes were also used in the City of Minneapolis. He anticipated there would have to be an education standpoint.

Councilmember Klint asked how the City could educate the public on the proper use of these lanes. Assistant City Engineer Hansen indicated staff could draft articles for the City newsletter, posts on the website, along with completing a segment for the local cable programming.

Mayor Koch was confident that residents would become accustomed to the lane.

Councilmember Demmer commented on the length of the driveways in this area. He anticipated people would continue to bike in the narrow parking lane and would jet out into traffic if there was a car parked along the roadway. Assistant City Engineer Hansen indicated he could provide a plan view of the roadway for the Council to review.

Public Works Director Himmer believed that the proposed roadway with the bike lanes was the best solution to address the traffic situation. He discussed the two-way bicycles that were already

using this roadway. He anticipated the new lanes would offer additional safety after the public was properly educated.

Councilmember Klint anticipated that the new lane would offer the bicycles too much right of way. She was in favor of the roadway having no parking on one side to allow for a separate lane for bicycles.

Councilmember Johnson believed that Mississippi Boulevard was a relatively safe roadway for bikers. He indicated cyclists were already keeping pace with traffic. He supported the proposed concept from staff and looked forward to viewing the concept plan view from staff.

Councilmember Geisler stated she has lived along Mississippi Boulevard for the past 20 years. She noted there were a large number of bikers and walkers along this roadway. She was in favor of the City encouraging the bicycle trail.

Mayor Koch asked if the City Council was approving the bicycle lane this evening. Assistant City Engineer Hansen commented staff would be providing additional information to the Council regarding this lane and how the roadway would be designed.

Assistant City Engineer Hansen noted for the record staff had received a letter of objection from David Cooder, 10245 Mississippi Boulevard. He read the letter in full for the Council.

Mayor Koch questioned when Mississippi Boulevard was last milled and overlaid. Assistant City Engineer Hansen indicated this work was conducted in mid-1996, which meant the road had not been improved in 20 years.

Mayor Koch reported Mississippi Boulevard was a State Aid Street which meant the pavement thickness was doubled to withstand the high level of traffic along this roadway.

Mayor Koch opened the public hearing at 7:47 p.m.

Robert Fruland, 10335 Mississippi Boulevard, expressed concern with the information that was provided to the residents regarding the proposed dedicated bike lane. He discussed how pedestrians walk against traffic while bicycles ride with traffic. He added that he has not seen any problems with parking or bicycles along this roadway in the past 40+ years. For this reason, he did not believe the City needed to redesign the roadway.

Mayor Koch anticipated the City would be holding another Open House with the neighbors to further discuss the plans for the designated bike and parking lanes.

Cindy Johnson, 10495 Mississippi Boulevard, understood a lot of people used her street, for walking, biking and traveling via automobile. She expressed concern with the speed of traffic along this roadway. She requested the City increase the number of police patrols along Mississippi Boulevard when school lets out to improve safety. She wanted to see a wide lane for

walkers and bikers.

Councilmember Manning suggested the City look into a speed monitoring sign near the school as this may assist with calming traffic along Mississippi Boulevard. Assistant City Engineer Hansen reported the solar powered speed monitoring signs cost \$10,000 each and the City would need two of them. He explained research shows that these signs only reduce traffic by one or two miles per hour. He stated staff could review the corridor to see if additional speed limit signs were warranted.

Mayor Koch closed the public hearing at 8:01 p.m.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT RESOLUTION NO. 16-2(6A) ORDERING THE IMPROVEMENT.

Councilmember Wells looked forward to viewing the layout of this roadway from staff.

Councilmember Geisler explained only 20% of the roadway improvement expenses would be paid by the residents living along Mississippi Boulevard.

THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT RESOLUTION NO. 16-2(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS.

Councilmember Klint asked if the plans would be approved as is. Public Works Director Himmer reviewed a brief sketch of how the roadway would be designed with parking, bicycle and driving lanes. He noted the 10 foot parking lane would be reduced to eight feet. This width would then be used to create a designated bicycle lane.

Councilmember Demmer questioned if now was the time to discuss the design of this roadway. Public Works Director Himmer stated this was the case. It was his hope the project would not be delayed due to the fact the entire water main would be replaced and it was staff's hope the project would begin on time this spring. He commented he could hold another neighborhood meeting to discuss the roadway layout with the residents.

Councilmember Manning believed that bikers had the right to use the road. He supported the roadway being striped and painted as such.

Councilmember Demmer indicated when he saw these lanes in Minneapolis he believed it was a problem. However, he stated he could support the designated bike lanes in Coon Rapids if this was staff's best plan. He anticipated the higher roadway width would assist in keeping the cyclists safe, along with proper striping and signage.

Mayor Koch commented he lived on this roadway. He did not anticipate that the painted and striped designated bicycle lanes would calm traffic. He feared that going from a 12 foot lane width to 14 foot lane width would have the adverse effect. He stated he liked the roadway as it was and did not see a need to make any changes.

Councilmember Wells agreed.

Councilmember Geisler suggested the striping for the roadway be put into the bid as an alternate in order for this matter to move forward. Public Works Director Himmer commented this would address the Council's concerns.

Councilmember Johnson called the question.

THE MOTION PASSED UNANIMOUSLY.

10. **HOLD PUBLIC HEARING/ASSESSMENT HEARING, ADOPT RESOLUTION 16-3(6A) ORDERING PROJECT, ADOPT RESOLUTION 16-3(8) APPROVING PLANS AND SPECIFICATIONS**

The Staff report was shared with Council.

Assistant City Engineer Hansen reported Dale Voltane and Doug and Joanne Lawrence contested their assessments. He indicated the protest from Mr. Voltane stemmed from the fact that his properties were being charged a commercial rate and should be charged a residential rate. He explained the Lawrence's were working to replat their property and have been made aware of the City's project timeline.

Councilmember Klint questioned if 128th was narrower than the City's other roadways. Assistant City Engineer Hansen understood this roadway had parking challenges and noted the roadway was slightly narrower.

Mayor Koch opened and closed the public hearing at 8:26 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT RESOLUTION NO. 16-3(6A) ORDERING THE IMPROVEMENT. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 16-3(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS. THE MOTION PASSED UNANIMOUSLY.

11. HOLD PUBLIC HEARING/ASSESSMENT HEARING, ADOPT RESOLUTION 16-4(6A) ORDERING PROJECT, ADOPT RESOLUTION 16-4(8) APPROVING PLANS AND SPECIFICATIONS

The Staff report was shared with Council.

Assistant City Engineer Hansen reported the City received several written objections on the assessments for this project. The first objection was submitted by Ryan Brandt (Coon Rapids Chiropractic) noting he has rear access to his property. He discussed the easement the City has over this property and noted the City would be working with him to resolve this matter. Staff reported the next objection was submitted by the funeral home for their frontage along Foley Boulevard. He explained the assessment amount would be adjusted after the frontage footage was adjusted by the County.

Mayor Koch opened the public hearing at 8:32 p.m.

Glen Gazale, 412 Egret Boulevard, explained he was new to the area. He discusses how his property taxes have increased in the last year and now he would be facing an assessment. He believed the City's budget should cover the entire expense for the improvements given the high level of traffic along Egret Boulevard.

Mayor Koch understood that this portion of Egret Boulevard was heavily traveled and noted the City did receive State Aid Funding to assist with improving this street.

Councilmember Geisler believed it was more efficient for homeowners to pay their portion of the street improvements versus raising taxes on all residents to cover the costs of the City's improvement projects on a yearly basis.

Paul Burning, Kennedy Scales at 11585 Xeon Street, expressed concern with the commercial assessment rate that he was being charged by the City. He questioned why the City did not send out notices earlier to business owners. He stated he owned a small business that did not generate a large amount of traffic when compared to the other businesses surrounding him. He suggested that the businesses located off of Zion also be assessed for the project.

Patty Johnson, Modern Tool at 112 Northdale Boulevard, agreed the commercial assessment rates were high. She encouraged the City to consider assessing the other businesses surrounding the project area to assist in reducing the commercial rates overall.

Assistant City Engineer Hansen explained that the City would receive push back from the adjacent business owners as to the benefit received from the proposed improvement project from a legal standpoint. He did not believe other cities have been successful in assessing businesses in this manner.

Public Works Director Himmer commented that the assessment rates for commercial properties were calculated on a front footage basis. He reported the assessment rates would not be reduced if adjacent businesses were also assessed, rather, the City's portion of the project would be reduced. He explained the City had sent notices to business owners and held an Open House in both December and January regarding this project. He indicated the notifications and meetings allowed business owners the opportunity to contact the City regarding any concerns they had regarding assessments.

Councilmember Klint was in favor of delaying action on this matter until the City Council could evaluate the commercial assessments further. She believed the rates were unfair when considering how much Kennedy Scales would be paying compared to the adjacent trucking businesses given the size and scope.

Mayor Koch closed the public hearing at 8:49 p.m.

Mayor Koch asked if this road would be constructed in a manner to handle the truck traffic. Assistant City Engineer explained the road would be constructed with an increased weigh capacity to withstand the high truck traffic.

Councilmember Johnson commented the Council had a lengthy discussion at a recent worksession meeting regarding this roadway. He noted concrete was even proposed in order to meet the demands of this roadway. He was empathetic to the businesses in this project area and understood the trucks were hard on the road. He stated the fairness issues were addressed and in the end, the per front foot method for assessing the project was selected. He appreciated the concerns voiced this evening by the local business owners and recommended the Council discuss this matter further in a worksession, in order to offer these local business owners assessment relief.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER DEMMER, TO ADOPT RESOLUTION NO. 16-4(6A) ORDERING THE IMPROVEMENT.

Councilmember Demmer asked if commercial assessments could be paid out over 10 years. Assistant City Engineer Hansen reported this was the case.

Councilmember Demmer requested the City align and replace the curbs properly for this project. Assistant City Engineer Hansen discussed the City's approach for curb replacements noting these would be done in 15 foot segments.

THE MOTION PASSED 6-1 (KLINT OPPOSED).

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 16-4(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS. THE MOTION PASSED 6-1 (KLINT OPPOSED).

BID OPENINGS AND CONTRACT AWARDS

12. CONSIDER RESOLUTION NO. 15-20(9) AWARDING CONTRACT FOR 2016 PARK REDEVELOPMENT AND APPROVE CONSTRUCTION ADMINISTRATION CONTRACT AND DIRECT PURCHASE

The Staff report was shared with Council, along with the bid alternates.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 15-20(9) AWARDING A CONTRACT TO CUSTOM BUILDERS, INC., INCLUDING THE BASE BID WITH ALTERNATES 1 AND 4, IN THE AMOUNT OF \$810,523.50; AUTHORIZE STAFF TO EXECUTE CONSTRUCTION ADMINISTRATION AND WETLAND DELINEATION CONTRACTS/LETTERS OF ENGAGEMENT WITH KIMLEY-HORN IN THE AMOUNT OF \$122,795.00; AND AUTHORIZE STAFF TO ISSUE PURCHASE ORDERS FOR THE FOLLOWING DIRECT PURCHASES:

VENDOR	DESCRIPTION	AMOUNT
ST. CROIX RECREATION (PO1)	PLAYGROUND EQUIPMENT	\$200,000.00
TBD (PO2)	PRE-FABRICATED RESTROOM SHELTER	\$ TBD
MINNESOTA NATIVE LANDSCAPES, INC. (PO3)	NATIVE PRAIRIE ESTABLISHMENT	\$ 19,700.00

Councilmember Klint was pleased that the play structure would have a canopy. She requested the canopy be oriented properly to block out the late afternoon sun.

Councilmember Demmer questioned the lifetime cost of the bathroom structure. He asked if it was more cost effective to update the existing structure versus bringing in a metal building. Public Works Director Himmer discussed the cost benefit analysis of the proposed pre-cast structure versus retrofitting the existing structure.

Councilmember Demmer commented the playgrounds are used in the winter months and looked forward to this park having restroom facilities.

Councilmember Klint inquired if the bathroom structure had to have two designated stalls or if just a single stall could be offered. Public Works Director Himmer stated this could be an option for the park.

Mayor Koch asked if the City had any experience with Custom Builders. Public Works Director Himmer reported he had experience with this company when he worked for another community. He explained that references were checked and favorable reviews were given.

THE MOTION PASSED UNANIMOUSLY.

OLD BUSINESS

None.

NEW BUSINESS

13. CONSIDER ADOPTING RESOLUTION 16-5(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR PROJECT 16-5
-

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 16-5(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE 2016 STREET MAINTENANCE PROGRAM.

Councilmember Manning questioned how much the City saved through the joint powers agreement. Public Works Director Himmer stated he could investigate this further and would report back to the City Council. He estimated the City was saving 6% to 8% through the agreement.

THE MOTION PASSED UNANIMOUSLY.

14. CONSIDER INTRODUCTION OF ORDINANCE ADDING REQUIREMENTS FOR MICRODISTILLERIES, BREW PUBS AND BREWER TAPROOMS
-

The Staff report was shared with Council.

Mayor Koch considered the Ordinance regarding microdistilleries, brew pubs and brewer taprooms to be introduced.

15. CONSIDER 2015-2016 INSURANCE RENEWALS
-

The Staff report was shared with Council.

Councilmember Manning believed it was preposterous the City had to carry this coverage given the expense. He encouraged residents to still have flood insurance as a backup.

Councilmember Klint discussed the issue the City had several years ago when road work was conducted. She questioned who determined if the City was at fault. Finance Director Legg reported the League's adjustors review and make a determination on all claims.

Councilmember Klint asked if most cities carried this coverage. Finance Director Legg indicated most cities were smaller outstate cities and very few in the metro area.

Councilmember Demmer supported City of Coon Rapids offering this coverage to its residents.

MOTION BY COUNCILMEMBER DEMMER, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT RESOLUTION NO. 16-33 PURCHASING SEWER BACKUP LIABILITY INSURANCE; APPROVING THE PURCHASE OF INSURANCE THROUGH THE LMCIT WITH A \$50,000 DEDUCTIBLE UP TO AN ANNUAL AGGREGATE OF \$200,000; MAINTAINING STATUTORY LEGAL LIMITS OF \$1.5 MILLION PER OCCURRENCE.

Councilmember Klint indicated she would not be supporting the motion.

THE MOTION PASSED 6-1 (KLINT OPPOSED).

OPEN MIC/PUBLIC COMMENT

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

Brad Sanford, 11826 Palisade Street in Blaine, informed the City Council he would be seeking the Republican endorsement for State District 37 for State Senator. He indicated he was a graduate of Blaine High School but was a 30 year resident of Anoka County. He reported he has a wife and four kids. He explained he works as a business banker by trade and understood how new laws would impact his industry. He wanted to work on behalf of the Coon Rapids residents to hold the government accountable for their actions.

REPORTS ON PREVIOUS OPEN MIC

None.

OTHER BUSINESS

City Manager Stemwedel introduced Maria _____ to the City Council. He reported she was the new Assistant to the City Manager.

Mayor Koch welcomed Maria to the City of Coon Rapids.

Councilmember Manning requested staff look into the cable monitors as his was not functioning this evening.

Councilmember Johnson sent his condolences to the Leo Foley family. He believed the community was truly blessed to have been served by this individual.

Mayor Koch sent his thanks to the Coon Rapids Police Department and Officer Platz for his great efforts on the Heart Safe Community Initiative. Police Chief Wise indicated he would pass along this thanks and noted Officer Platz would be going to England shortly to assist with beginning a Heart Safe program in England.

ADJOURN

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER WELLS, TO ADJOURN THE MEETING AT 9:44 P.M. THE MOTION PASSED UNANIMOUSLY.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

4.

Meeting Date: 03/02/2016

Subject: Approve Expenditures for Woodview Park Upgrade

From: Sharon Legg, Finance Director

INTRODUCTION

Staff is recommending that the play structures and masonry columns for Woodview Park be directly purchased by the City. The 2016 Budget includes \$200,000 for miscellaneous park improvements.

DISCUSSION

Staff worked with the Parks and Recreation Commission to determine which parks should be upgraded with funds allocated in the Park Improvement Fund for miscellaneous park improvements (in addition to the park referendum designated projects). It was recommended that Woodview Park play structures and shelter be replaced or upgraded.

Staff is recommending that play structures and masonry columns be purchased through the U.S. Communities Purchasing Program from Minnesota Wisconsin Playground. The City is a member of U.S Communities Purchasing Program. To avoid paying sales tax, the City will take delivery of the equipment and have a separate contract with the vendor for installation. Staff is seeking Council approval because the purchase is over \$100,000.

There is a picture of the equipment that is proposed attached. In addition to the playground equipment, the columns of the shelter will be wrapped with a rock masonry. The existing shelter is structurally sound but would have an updated appearance with the rock columns. An enclosure for the portable toilets will also be included in the project.

Following is a summary of the costs for the park improvement:

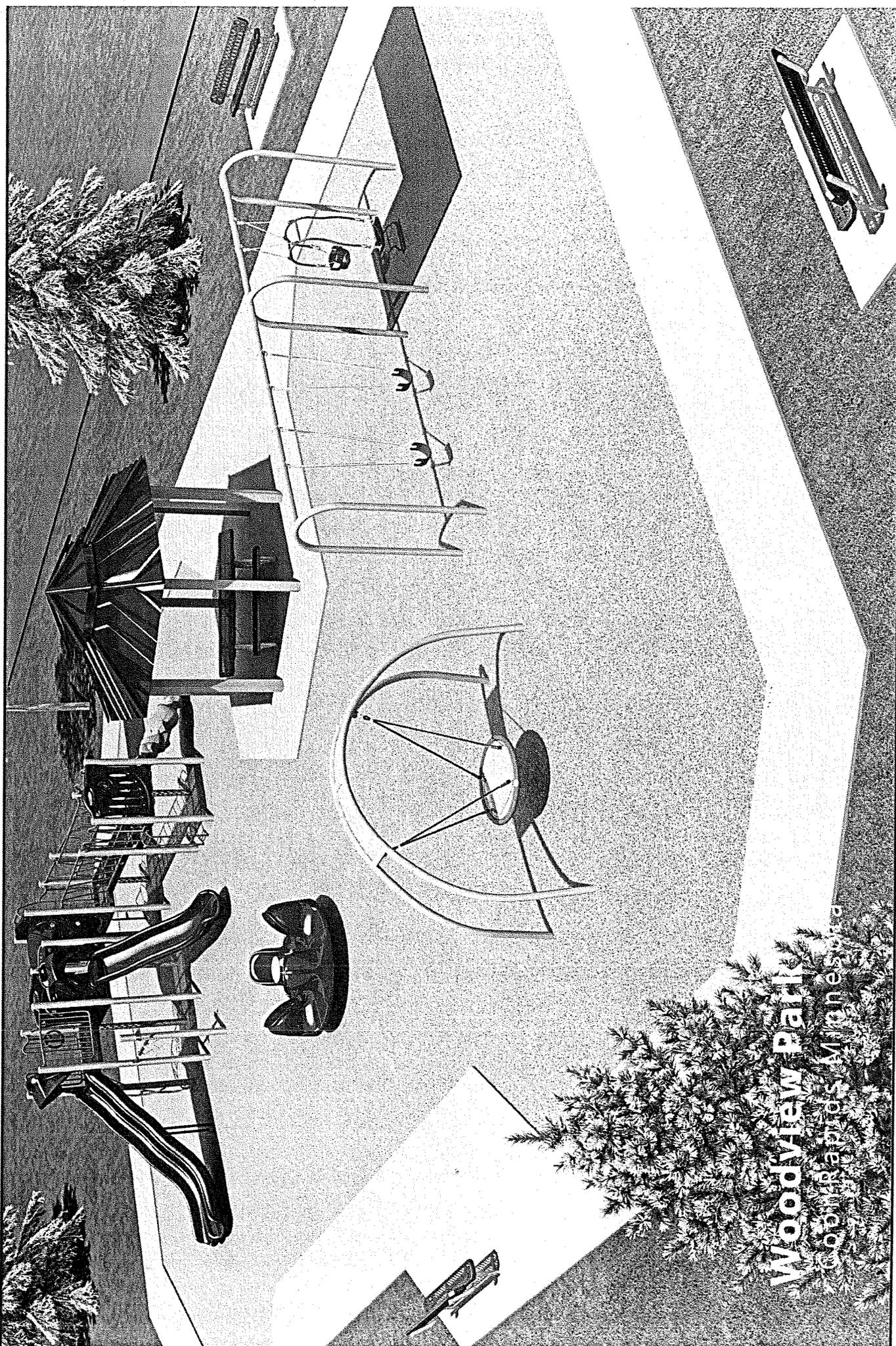
Equipment including freight	\$104,990
Labor to install equipment	12,308
Rock masonry columns including freight	17,412
Labor to install columns	5,370
Total	\$140,080

RECOMMENDATION

Staff recommends authorization to purchase playground equipment, masonry columns and the labor to install from Minnesota Wisconsin Playground.

Attachments

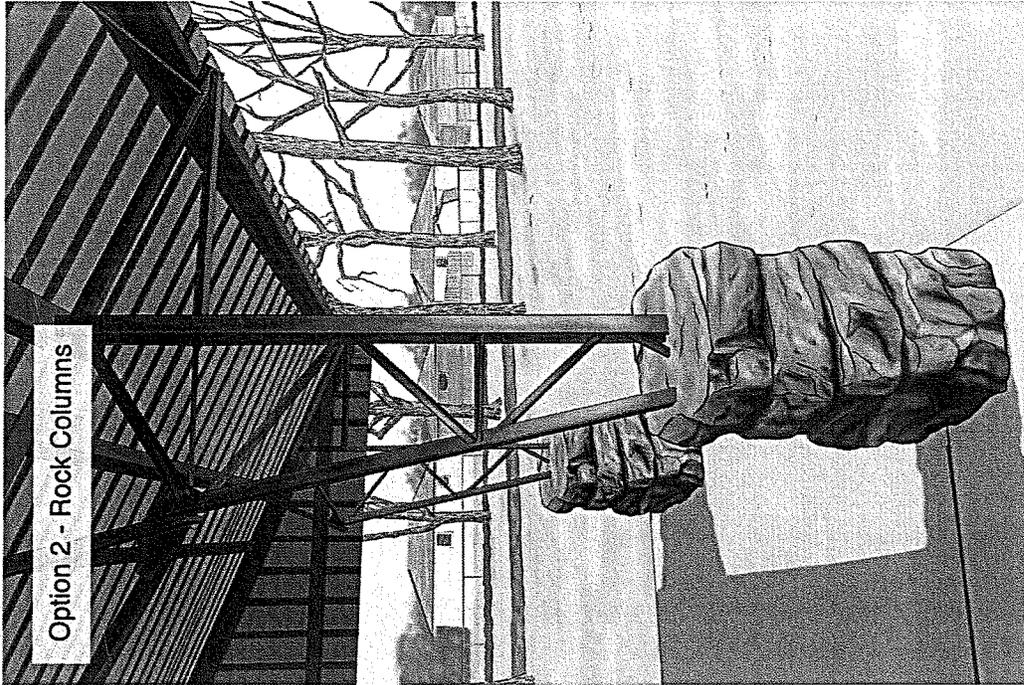
Pictures



Woodview Park
Coburn Park, MN



Option 1 - Rock Masonry Columns



Option 2 - Rock Columns







City Council Regular

5.

Meeting Date: 03/02/2016

Subject: Approve Agreement for On-Line Bill Pay for Utility Billing

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

INTRODUCTION

The City presently utilizes a program for utility billing on-line bill payment and viewing which will no longer be supported by LOGIS, the consortium that maintains the utility billing software for the City. Invoice Cloud is being recommended to replace the software.

DISCUSSION

The current software that allows citizens to view and or make payments for water/sewer/storm utility billings is no longer being supported by LOGIS. Additionally, it is not user friendly and does not provide the options that a new system would provide. The City allows users to pay bills on-line utilizing credit cards or automatic withdrawals from their checking accounts. Due to PCI (Payment Card Industry) compliancy standards, City employees are not allowed to store full credit card numbers electronically or accept credit card information over the phone or by email.

After reviewing options available to replace the present software, City staff is recommending that the City utilize Invoice Cloud. A number of the LOGIS cities have now implemented it and are reporting positive results.

Using Invoice Cloud, allows billing customers to access their bills on-line, make one-time or re-occurring payments with a credit card or check, pay via email, phone or text. The City will also continue to allow customers to use ACH (automatic clearing house) directly with utility billing personnel. Additionally, they can continue to use their bank bill pay option through their financial institutions. From the City's prospective, these two options are the most cost effective, efficient method of payment. There is minimal cost to either the customer or the City and payments are up-loaded into the software without handling. Credit card transactions are expensive to the vendor, in this case the City. The City paid roughly \$26,000 in credit card fees for allowing the use of credit cards for utility bills in 2015. By using Invoice Cloud, there is an option that will include a convenience fee (\$2.95) for payments up to \$200 for users of credit cards. Average utility bills per quarter are about \$100. The fee will be retained by Invoice Cloud with Invoice Cloud paying the credit card fees, saving the utility funds at least the \$26,000 or more as credits card usage is expanded. There would be no cost to the City to implement and maintain Invoice Cloud under the convenience fee structure. If customers do not want to pay the fee, they will have the option to make withdrawals out of checking accounts at no charge.

Other enhancements to utilizing Invoice Cloud will be the options to send emails or text messages reminding citizens that bills are due. It will take approximately 90 days to implement the software.

RECOMMENDATION

Staff recommends authorizing an agreement with Invoice Cloud for on-line utility billing payments and viewing.



City Council Regular

6.

Meeting Date: 03/02/2016

Subject: Approve Waiver of Carnival License Fees for the 2016 Springfest Celebration on May 20 & 21, 2016

From: Stephanie Lincoln, Deputy City Clerk

INTRODUCTION

Jay Tomaszewski, on behalf of the Church of the Epiphany, has submitted a request to waive their licensing fees for the 2016 Springfest celebration.

DISCUSSION

Jay Tomaszewski, on behalf of the Church of the Epiphany, has submitted a request to waive the carnival fees for their annual Springfest celebration on May 20 and 21, 2016. Historically these fees have been waived for this community event.

While the Clerk's office has the authority to issue the licenses, any fee adjustment must be approved by Council.

RECOMMENDATION

Council is requested to approve the waiver of carnival license fees for the 2016 Springfest celebration on May 20 and 21, 2016.

Attachments

Epiphany letter

The Church of the
EPIPHANY
Lighting the Way to Christ

February 12, 2016

City of Coon Rapids
11155 Robinson Dr.
Coon Rapids, MN 55433

Dear Council Members,

The Church of the Epiphany Springfest celebration is on May 20 and May 21st. We are asking for the City Council to waive the Carnival Ride Fee. Springfest is a major fundraiser for Epiphany and we appreciate your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay Tomaszewski', written in a cursive style.

Jay Tomaszewski
Parish Administrator



City Council Regular

7.

Meeting Date: 03/02/2016

Subject: Adopt Resolution 16-34 Agreement for Minnesota Government Access (MGA)

From: David Brodie, City Attorney

INTRODUCTION

Adopt resolution authorizing City, specifically City Attorney's Office and Police Department, to enter into an agreement with State of Minnesota for access to the new Minnesota Government Access for the purposes of obtaining electronic court records and documents.

DISCUSSION

The Minnesota Judicial Branch has developed a new system, the Minnesota Government Access (MGA), for government agencies including the City Attorney's Office and the Police Department. The MGA will provide the City Attorney's Office and the Police Department access to appropriate electronic court records and documents stored in the Minnesota Court Information System. The MGA is an internet browser based application that will be accessed through individual login accounts.

Currently the City Attorney's Office and the Police Department access court records through the Odyssey system. As the MGA system is implemented statewide, it is staff's understanding that the Odyssey system will be phased out.

To gain access to the MGA system, the City Attorney's Office and the Police Department must enter into a Master Subscriber Agreement with the State of Minnesota and document authority from the governing body for the signing party to enter into the Agreement. The attached resolution has been prepared authorizing the City Attorney and the Police Chief or their designee the authority for their respective departments to enter into Master Subscriber Agreements for access to the MGA.

RECOMMENDATION

Adopt Resolution 16-34 authorizing the City Attorney and Police Chief or their designee the authority to enter into Master Subscribers Agreements with the State of Minnesota for access to the MGA system.

Attachments

RESOLUTION NO. 16-34

**RESOLUTION APPROVING STATE OF MINNESOTA OFFICE OF STATE COURT
ADMINISTRATION MASTER SUBSCRIBER AGREEMENTS WITH THE CITY OF
COON RAPIDS ON BEHALF OF ITS CITY ATTORNEY'S
OFFICE AND POLICE DEPARTMENT**

WHEREAS, the City of Coon Rapids on behalf of its City Attorney's Office and Police Department desires to enter into Master Subscriber Agreements with the State of Minnesota, Office of State Court Administration, for access to the new Minnesota Government Access (MGA) system for which the City is eligible. The Master Subscriber Agreements provide the City Attorney's Office and Police Department with access to appropriate electronic court records and documents stored in the Minnesota Court Information System for cases in Minnesota district courts.

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

1. That the Master Subscribers Agreements for access to the MGA system by and between the State of Minnesota acting through its Office of State Court Administration and the Coon Rapids City Attorney's Office and the Coon Rapids Police Department are hereby authorized and approved by the City Council.

2. That the Coon Rapids Police Chief, Brad Wise, or his designee, is authorized to execute the Master Subscriber Agreement for access to the MGA system on behalf of the Coon Rapids Police Department and he or his successor is further authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the Police Department's connection to the MGA system.

3. That the Coon Rapids City Attorney, David Brodie, or his designee, is authorized to execute the Master Subscriber Agreement for access to the MGA system on behalf of the Coon Rapids City Attorney's Office and he or his successor is further authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City Attorney's Office connection to the MGA system.

[Signatures on following page]

Adopted by the Coon Rapids City Council this 3rd day of March, 2016.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

8.

Meeting Date: 03/02/2016

Subject: Consider Adoption of Ordinance 2159, An Ordinance Adding Requirements for Microdistilleries, Brew Pubs and Brewer Taprooms

From: Joan Lenzmeier, City Clerk

INTRODUCTION

Council is asked to Adopt Ordinance 2159, An Ordinance Adding Requirements for Microdistilleries, Brew Pubs and Brewer Taprooms and Authorizing 8:00 a.m. Sunday Sales.

DISCUSSION

As discussed at the Introduction of this Ordinance at the February 16, 2016 City Council meeting, it is necessary to make amendments to Chapter 5-200, the City's alcoholic beverage licensing code to allow for microdistilleries, brew pubs and brewer taprooms. This Ordinance also includes a revision to Sunday sales to allow for the recently amended state law that allows Sunday on sale license holders to begin serving at 8:00 a.m. The City's code currently requires that sales start at 10:00 a.m.

RECOMMENDATION

- a. Adopt Ordinance 2159, An Ordinance Adding Requirements for Microdistilleries, Brew Pubs and Brewer Taprooms; and
- b. Authorize Summary Publication.

Attachments

Ordinance 2159 Brew Pubs

ORDINANCE NO.

AN ORDINANCE ADDING REQUIREMENTS FOR MICRODISTILLERIES, BREW PUBS AND BREWER TAPROOMS, AND AMENDING THE HOURS FOR INTOXICATING LIQUOR ON SUNDAYS AND THEREBY AMENDING REVISED CITY CODE – 1982 SECTIONS 5-203, 5-209, 5-218, and 5-219

The City of Coon Rapids does ordain:

Section 1. Revised City Code - 1982 Section 5-203 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-203 Definitions.

(1) “Public drinking place” means any public place which serves liquids which are or may be used for the purposes of mixing intoxicating liquors to be consumed on the premises.

(2) “Public place” shall mean any place, other than a private home where two or more persons or groups of persons or the public congregate or frequent and shall include, but not be limited to, clubs, taverns, beer stores, drug stores, restaurants, and hotels.

(3) “Tavern” means on-sale establishments where entertainment, music, and dancing are permitted.

(4) “Alcoholic Beverage” means any beverage containing more than one-half of one percent alcohol by volume.[Revised 9/18/01, Ordinance 1738][Revised 5/4/04, Ordinance 1836]

(5) “Off-sale Intoxicating Liquor” includes the off-sale of intoxicating liquor under both Class A and Class B licenses, unless otherwise specified herein.

(6) “Class A Off-sale Intoxicating Liquor License” means a license to sell intoxicating liquor off-sale.

(7) “Class B Off-sale Intoxicating Liquor License” means a license to sell off-sale intoxicating malt liquor and wines only.[Revised 11/8/00, Ordinance 1712]

(8) “Class B On-sale Intoxicating Liquor License” means a license to sell intoxicating liquor for establishments which meet the seating requirements for restaurants and which have some food available, but which do not provide a full menu or table service.[Revised 11/15/05, Ordinance 1911]

(9) “Intoxicating Liquor” means ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages containing more than 3.2 percent alcohol by weight.[Revised 9/18/01, Ordinance 1738]

(10) “3.2 Percent Malt Liquor” means malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.[Revised 9/18/01, Ordinance 1738]

(11) “Wine” means the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial uses.[Revised 5/4/04, Ordinance 1836]

(12) “Wine Tasting” is an event at which persons pay a fee or donation to participate, and are allowed to consume wine by the glass without paying a separate charge for each glass. [Revised 2/17/09, Ordinance 1999]

(13) “Microdistillery” shall mean a distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.

(14) “Cocktail Room” shall mean on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller.

(15) “Brew Pub” shall mean a brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in Minnesota Statute 340A.24, Subdivision 2.

(16) “Brewer Taproom” shall mean on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer.

(17) “Growlers” shall mean a 64-ounce container or 750 milliliter bottle as defined by Minnesota Statute 340A.285(a). The containers or bottles shall bear a twist-type closure, cork, stopper, or plug. At the time of sale, a paper or plastic adhesive band, strip or sleeve shall be applied to the container and extend over the top of the twist type closure, cork, stopper or plug forming a seal that must be broken upon opening of the container. The adhesive band, strip or sleeve shall bear the name and address of the brewer/licensee selling the malt liquor. The containers shall be identified as malt liquor, contain the name of the malt liquor, bear the name and address of the brewer/licensee selling the malt liquor, and the contents in the container packaged as required herein shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with the provisions of Minnesota Rules, part 7515.1100.

Section 2. Revised City Code – 1982 Section 5-209 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-209 Types of Licenses and Fees.

(1) In accordance with State law, the City Code, and particularly this Chapter, the following types of annual licenses may be issued and the fees established from time to time by ordinance of the City Council:

- (a) 3.2 percent malt liquor, off-sale.
- (b) 3.2 percent malt liquor, on-sale.
- (c) Tavern beer (including public dancing).
- (d) Bottle clubs (including public dancing).
- (e) Public drinking place.
- (f) Intoxicating liquor, clubs, as defined in Minnesota Statutes Section 340A.101, subd.7.

(g) Intoxicating liquor, on-sale, Class A license for hotels, as defined in Minnesota Statutes Section 340A.101, subd.13 and restaurants, as defined in Minnesota Statutes Section 340A.101, subd. 25 as modified by City Code Subsection 5-217(2)(a).

(h) Class B license for establishments which meet the seating requirements for restaurants and which have some food available, but which do not provide a full menu or table service.

(i) Sunday sales.

(j) Wine, on-sale, for restaurants as defined in Minnesota Statutes Section 340A.101, subd. 25 as modified by City Code Subsection 5-217(2)(b).[Revised 11/15/05, Ordinance 1911]

(k) Cocktail Room;

(l) Microdistillery Off Sale;

(m) Brew Pub Off Sale;

(n) Brewer Taproom;

(o) Small Brewer Off Sale;

Section 3. Revised City Code – 1982 Section 5-209 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-209 Types of Licenses and Fees.

(10) Cocktail Room License. A Cocktail Room License may be issued to a microdistillery license under Minnesota Statute 340A, as it may be amended from time to time and authorizes on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller, subject to the following conditions:

(a) On-sale of distilled spirits shall be limited to the legal hours for on-sale pursuant to state law and Chapter 5-218.

(b) No single entity may hold both a Cocktail Room and Taproom license, and a cocktail room and taproom may not be co-located.

(c) Distiller may only have one Cocktail Room license, and may not have an ownership interest in a distillery licensed under section Minnesota Statute 340A.301 Subdivision 6, paragraph (a), as it may be amended from time to time.

(d) Nothing in this subdivision precludes the holder of a microdistillery cocktail room license from also holding a license to operate a restaurant at the distillery.

(11) Microdistillery Off Sale License. A Microdistillery Off Sale License may be issued to microdistiller licensed under Minnesota Statue 340A, as it may be amended from time to time, for off sale of distilled spirits. The license allows the sale of one 375 milliliter bottle per customer per day of product manufactured on-site, subject to the following requirements:

(a) Off-sale hours of sale must conform to hours of sale for retail off-sale licensees as listed in Chapter 5-218(3).

(b) No brand may be sold at the microdistillery unless it is also available for distribution by wholesalers.

(12) Brewer Taproom License. A Brewer Taproom License may be issued to a brewer licensed under Minnesota Statute 340A as it may be amended from time to time, for the on-sale of malt liquor subject to the following conditions:

(a) On-sale of malt liquor shall be limited to the legal hours for on-sale pursuant to State Law and Chapter 5-218.

(b) Brewer may only hold one brewer taproom license under this chapter.

(c) The only alcohol that may be sold or consumed on the premises of a brewery taproom will be the malt liquor produced by the brewer.

(d) License may only be issued to a licensee operating in the regional shopping, general commercial, community commercial, port, and industrial districts.

(e) Nothing in this section precludes the holder of a brewer taproom license from also holding a license to operate a restaurant at the brewery.

(13) Small Brewer Off Sale License. A Small Brewer Off Sale License may be issued to a brewer licensed under Minnesota Statute 340A, as it may be amended from time to time, for off-sale of malt liquor at its licensed premises that has been produced and packaged by the brewer, subject to the following conditions:

(a) Off-sale hours of sale of malt liquor must conform to hours of sale for retail off-sale licensees as listed in Chapter 5-218(3) and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores, except that malt liquor in growlers only may be sold as off-sale on Sundays.

(b) Amount of malt liquor sold at off-sale may not exceed 500 barrels annually.

(c) Malt liquor sold off-sale under this subdivision shall be packaged only in Growlers.

(14) Brew Pub Off Sale License. A Brew Pub Off Sale License may be issued to a brewer who holds a brewer license issued by the Minnesota Commissioner of Public Safety for the operation of a brew pub and shall be operated in and as a part of a restaurant establishment for which an on-sale intoxicating liquor license has been issued by the city, subject to the following conditions:

(a) Off-sale hours of sale of malt liquor must conform to hours of sale for retail off-sale licensees as listed in Chapter 5-218(3) and malt liquor must be removed from the licensed premises before the applicable off-sale closing time requirements. Notwithstanding any other provisions, sales of off-sale malt liquor shall be permitted on Sundays during the hours of 8:00 a.m. to 10:00 p.m., except for December 25 or December 24 after 8:00 p.m.

(b) Off-sale license may be issued solely for the malt liquor produced and packaged on the licensed premises and only upon approval of the license by the Minnesota Commissioner of Public Safety.

(c) Only malt liquor may be brewed or manufactured at the licensed premises and not more than 3,500 barrels of malt liquor in a calendar year may be brewed or manufactured at the licensed premises, provided that off sale totals may not total more than 500 barrel.

(d) Malt liquor sold off-sale under this subdivision shall be packaged in Growlers.

Section 4. Revised City Code - 1982 Section 5-218 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-218 Days and Hours.

(3) Off-sale Intoxicating Liquor Establishments. No sale of intoxicating liquor may be made by an off-sale licensee:

- (a) on Sundays, except for off sale growler sales as allowed by Minnesota Statute 340A.24, Subd. 2, as may be amended from time to time and Minnesota Statute 340A.26, Subd. 5 as may be amended from time to time;
- (b) before 8:00 a.m. on Monday through Saturday;
- (c) after 10:00 p.m. on Monday through Saturday;
- (d) on Thanksgiving Day;
- (e) on Christmas Day, December 25; or
- (f) after 8:00 p.m. on Christmas Eve, December 24.[Revised 5/4/04, Ordinance 1836]

Section 5. Revised City Code - 1982 Section 5-219 is hereby amended as follows:

(deletions in brackets, additions double underlined)

5-219 Sunday Sales. Notwithstanding the other sections of this Chapter, establishments to which on-sale licenses for the sale of alcoholic beverages on Sunday have been issued, and establishments to which on-sale wine licenses have been issued, may serve alcoholic beverages for which licensed between the hours of [~~10:00~~] 8:00 a.m. Sunday and 2:00 a.m. Monday in conjunction with the serving of food, provided that the licensed establishment is in conformance with the Minnesota Clean Indoor Air Act as set out in Minnesota Statutes Sections 144.411 to 144.417.[Revised 5/4/04, Ordinance 1836]

Introduced this 16th day of February, 2016.

Adopted this _____ day of _____, 2016.

ATTEST:

Joan Lenzmeier, City Clerk

Jerry Koch, Mayor



City Council Regular

9.

Meeting Date: 03/02/2016

Subject: Consider Adoption of Ordinance 2160, An Ordinance Amending City Code 5-900 Tobacco

From: Joan Lenzmeier, City Clerk

INTRODUCTION

Council is asked to Adopt Ordinance 2160, An Ordinance Amending City Code 5-900 Tobacco.

DISCUSSION

As Council is aware, the tobacco code 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, Council directed staff to remove the language from the proposed Ordinance that would prohibit smoking indoors at retail establishments.

An Ordinance was introduced at the December 1, 2015 City Council meeting that included 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 had been removed.

Due to the fact that it had been a number of months between the work session discussion and the introduction of the Ordinance, staff was asked to notify tobacco license holders prior to the adoption. Staff did send notice to all tobacco license holders indicating that this Ordinance would be considered for adoption by Council at the March 2, 2016 City Council meeting.

RECOMMENDATION

- a. Adopt Ordinance 2160, An Ordinance Amending City Code 5-900 Tobacco; and
 - b. Authorize Summary Publication.
-

Attachments

Ordinance 2160

ORDINANCE NO. 2160

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.

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, ~~or~~ 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, ~~{or}~~ 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, ~~{or}~~ the tobacco related devices, or electronic delivery devices between the licensee or his or her clerk and the customer. All tobacco, tobacco products, ~~{and}~~ 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, ~~{or}~~ 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, ~~{or}~~ 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, ~~{or}~~ 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, ~~{or}~~ 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, ~~{or}~~ 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, ~~[or] 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, ~~[or] 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 _____, 2016.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

10.

Meeting Date: 03/02/2016

Subject: PC 16-5, Consider Applicant Request for Code Amendment to Allow Boat and Motor Repair in PORT Campus Square

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting the introduction of an ordinance amending Section 11-903.3(1) Use Table for the PORT Districts to allow boat and motor repair as a permitted use in PORT Campus Square.

DISCUSSION

Background

The zoning code currently does not allow repair of major recreational equipment in the PORT districts. Boats are included under the definition of major recreational equipment. Repair of major recreational equipment is allowed in the General Commercial and Industrial districts.

The applicant owns a building at 2841 Coon Rapids Boulevard, the corner of Crooked Lake Boulevard and Coon Rapids Boulevard. The property is located in PORT Campus Square. The building is used by two tenants, one who conducts auto repair and the other who repairs boats and motors. Auto repair is allowed as a conditional use in PORT Campus Square; boat and motor repair is not.

In 1987, the City granted a special use permit for automobile repair, which continues to be valid. However, the boat and motor repair business, which moved into a vacant portion of the building, does not have the same conforming status as the auto repair business. In August of 2015, staff spoke to the operator of the boat and motor repair business and informed him that the business was non-conforming. The property owner was also notified by mail of the situation and was informed that an ordinance amendment would be needed if Coon Rapids Marine to continue operating at this location. Subsequently, Mr. Johnson submitted the proposed ordinance amendment.

Boat and motor repair is a similar use to automobile repair. The repairs are conducted within the building. However, there is a significant difference when it comes to storage of the boats or cars that are being repaired. Generally, cars sit outside for a shorter period of time both before and after they are worked on. Customers drop off their cars then pick them up later the same day or the next day. The cars that are parked on site appear to be no different than other cars parked at a

commercial business.

Boats, on the other hand, tend to remain on site for longer periods of time, taking up parking spaces and creating a significant visual impact. Boats are often stored on site for longer periods of time and typically covered with tarps or brightly colored shrink wrap.

PORT Districts

PORT districts are designed for compact, vigorous, mixed-use development. (see attachment) All districts are to be made up of a mixture of compatible land uses. Primary takeaways from analyzing the Ordinance include:

- PORT Districts should have compact mixed-use development.
- Each use should be compatible with others.
- Commercial uses specifically need to be compatible and support higher-density residential uses. This typically means service retail and professional services, restaurants, and similar uses found in an urban/residential environment.

Coon Rapids Boulevard Framework Plan

The Coon Rapids Boulevard Framework Plan (copy will be available at meeting) provides specific guidance for the establishment of the River Rapids Overlay District and PORT Campus Square (named “Anoka-Ramsey Community College Node” in the Plan). Notably, the Plan references “the incongruous appearance of the Rapid Sports Center complex,” which is similar to the development that is driving the request before the Commission. The Plan recommended a development alternative (“Concept 3C”) that suggests more concentrated commercial developments and larger residential developments. Specifically for the Precision Tune site, although the Plan does not make specific mention of it, the site is adjacent to the Family Center Mall area, which suggests a “mixed-use center” facing the town square, with varied density residential on the other side. The concept for the development of PORT Campus Square included the following:

- Long-term vision for high-density residential with supporting commercial uses.
- A concept plan that includes a town square approach.

Coon Rapids Boulevard Overlay District

The River Rapids Overlay District sets guidelines for development of the Coon Rapids Boulevard, to include a linear system of PORT districts that cluster density and intensity. (see attachment) Primary takeaways from analyzing the Ordinance include:

- Reinforcement of the compact, vigorous urban design methods.
- Reinforcement of compatibility among uses.
- Idea of a community theme running throughout the district as exemplified by common

elements, connections, and uses that are compatible with one another.

PORT Campus Square

The Campus Square Plan has the PORT divided into three districts: Education Character District, Civic Character District and the North PORT Campus Square Character District. Each District has its own character that reflects the district's unique identity. The future development and redevelopment of these districts includes enhanced streetscape and pedestrian experience. The Plan calls for establishing a visual image that is appealing and comfortable. The outdoor storage of boats is inconsistent with and will detract from these goals.

Attached are excerpts from the PORT Campus Square Framework Plan. They explain the reasoning for establishing three districts, and redevelopment guidelines and objectives.

Allowed Uses

Attached is the Table of Uses for the PORT Districts. It should be noted that outdoor storage is not listed as an allowed use in any of the PORT districts. It is specifically prohibited in conjunction with Government Buildings and Structures, and Public Utility Buildings and Structures. This supports the premise that there was a deliberate decision not to allow outdoor storage because it is not compatible with the intent, goals and objectives of the PORT Districts.

Conclusion

Based on our analysis, staff would not recommend that this kind of use be allowed or permitted even with conditions. Storage type uses are generally incompatible with residential uses where overall scheme for the area is to provide supportive commercial for higher-density mixed-use developments in the PORT areas.

Planning Commission Meeting

At the public hearing held at the January 21st Commission meeting, no one spoke at the public hearing. The Planning Commission discussed the compatibility of the proposed use with the intent of PORT Campus Square and the impact of the outdoor storage of boats. They postponed action on the request to the February 18th meeting. At the February 18th meeting, the Commission further discussed the compatibility of boat and motor repair with the goals and objectives of the Coon Rapids Boulevard Framework Plan, the intent of the River Rapids Overlay District and the PORT Campus Square Master Plan. There was some discussion about whether or not boat and motor repair was a regional or local use and if outdoor boat storage should be considered as a separate use or an ancillary use to the repair business.

The Commission voted 4:0 to recommend denial of the proposed amendment to allow boat and motor repair as a permitted use in PORT Campus Square based on the current plan for the area and the following:

(1) The current Intent of the River Rapids Overlay District and for Port Campus Square is to promote compact, vigorous development that is supportive of higher-density residential, which

would not include a boat repair and storage business.

- (2) The current allowed uses in Port Campus Square are inconsistent with the proposed change.
- (3) The Port Campus Square Master Plan in its current form is not compatible with the proposed change.

RECOMMENDATION

In Planning Case 16-5, the Planning Commission and staff recommends the Council deny the applicant's request to amend Title 11 to allow boat and motor repair as a permitted use in PORT Campus Square.

Attachments

Location map

Applicant's Narrative

Location Map



OCT 22 2015

Inspection
Department

REASONS FOR REQUESTING AN AMENDMENT TO COON RAPIDS ORDINANCE

Dean and Barbara Johnson Holdings, LP ("Applicant") owns the property at 2841 Coon Rapids Blvd. (the "Property"). There is a building on the Property that is configured to hold two commercial businesses.

The Property is zoned PORT Campus Square.

Half of the building on the Property is used for auto repair. The other half is leased to Coon Rapids Marine which repairs boats and boat engines.

On September 1, 2015, the City of Coon Rapids sent the Applicant a letter stating that the operations of Coon Rapids Marine constitute a non-conforming use. A copy of said letter is attached for your convenience.

The problem arises because of the definition of Major Recreation Equipment in Section 11-201 of the ordinances. Boats are lumped together with travel trailers, converted buses, motorized dwellings and the like in this definition. In comparison to these large vehicles, the boats repaired by Coon Rapids Marine are dwarfs. Most of them are smaller than the cars that are repaired at the same location.

Since boats are classified as Major Recreation Equipment, the repair of them is not permitted in the PORT Campus Square, see Section 11-903.3 of the Ordinances. The Applicant requests that Section 11-903.3 be amended to make the repair of boats and their motors permitted use in PORT Campus Square.

The requested amendment is consistent with the goal of providing services needed by citizens that are accessible to the citizens of Coon Rapids. One of the objectives of the City comprehensive plan is to make needed services available. There are more than a few fishing boats and other water craft owned by citizens of Coon Rapids. The proposed amendment would provide access to boat repair.

The Property is located on Coon Rapids Blvd. The portion of Coon Rapids Blvd. in question is entirely commercial including gas stations and automotive repair businesses. Allowing boat repair in this area will not change the character of the street.



City Council Regular

11.

Meeting Date: 03/02/2016

Subject: Consider Request for Two Additional Regular Part-Time Positions at CTN

From: Matt Stemwedel, City Manager

INTRODUCTION

CTN Studios is requesting to add a PT Production Specialist and a PT Multimedia Graphics Designer. Both positions are to average approximately 28 hours per week.

DISCUSSION

CTN Studios has added significantly more production service projects and has expanded its role in assisting in City video needs over the last few years. As a result, CTN Studios has a need for additional staff to maintain current needs while also anticipating future growth. The two positions requested being requested would allow CTN Studios to improve their assistance to City projects while also allowing for additional production service projects. These positions would be considered regular part-time positions and were not anticipated in the approved 2016 budget; therefore, staff believed it was appropriate to get City Council approval before moving forward.

The CTN Studios budget and future revenue is looking very positive. Franchise fees and PEG fees are anticipated to increase over the current 2016 budget estimate. There will also be some additional revenue from the new CenturyLink franchise. Production services will also increase over the current 2016 budget estimates. Adding the two positions would have a net impact to the budget of approximately \$45,000 in expenditures. In the event that the long-term revenues from production services, franchise fees or PEG fees is less than anticipated, the hours for these positions can be adjusted as needed to accommodate the budget available.

RECOMMENDATION

Staff recommends Council approve Resolution No. 16-35 Amending the Budget for the Public Communications Fund for additional part-time staff.

Attachments

Res 16-35

RESOLUTION NO. 16-35

**RESOLUTION AMENDING THE 2016 PUBLIC COMMUNICATIONS BUDGET FOR
ADDITIONAL PART-TIME STAFF**

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

WHEREAS, the 2016 budget does not include funds for part-time staff in the Public Communications Fund to handle a part-time multimedia graphics designer and part-time production specialist; and

WHEREAS, CTN has added significantly more productions service projects and expanded its role in assisting in City video needs over the past few years, and

WHEREAS, additional staffing is requested; and

WHEREAS, the cost of the two positions is estimated at \$45,000 for 2016; and

WHEREAS, additional revenue is anticipated to cover the cost of the added expenditures.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota to appropriate funds in the Public Communications Fund budget of \$45,000 in personal services from the fund balance.

Adopted this 2nd day of March, 2016,, by the Coon Rapids City Council.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk