COON RAPIDS CITY COUNCIL MEETING MINUTES OF AUGUST 18, 2015

CALL TO ORDER

The second regular meeting of the Coon Rapids City Council for the month of August was called to order by Mayor Jerry Koch at 7:00 p.m. on Tuesday, August 18, 2015, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Koch led the Council in the Pledge of Allegiance.

ROLL CALL

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

Members Absent: None

ADOPT AGENDA

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT THE AGENDA AS AMENDED, ADDING ITEM 1A – PROCLAMATION FOR THE COON RAPIDS CARDINAL LITTLE LEAGUE. THE MOTION PASSED UNANIMOUSLY.

PROCLAMATIONS/PRESENTATIONS

1A. PROCLAMATION FOR THE COON RAPIDS CARDINAL LITTLE LEAGUE

Mayor Koch read a proclamation in full recognizing the Coon Rapids Cardinal Little League team for their impressive baseball season and congratulating them for winning State. He thanked the team for being exemplary ambassadors for the City of Coon Rapids. Each of the players and coaches introduced themselves and were presented with achievement awards. A round of applause was offered by all in attendance.

1B. ACCEPT DONATIONS FOR TEEN CENTER

The Staff report was shared with Council.

Ryan Gunderson, Coordinator of the Element Teen Center, reviewed all of the donations that the teen center has this summer. He appreciated each of these donations and looked forward to another great school year with the Coon Rapids teens.

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 15-107 ACCEPTING DONATIONS TOWARD THE ELEMENT TEEN CENTER. THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

2. AUGUST 5, 2015, COUNCIL MEETING

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE MINUTES OF THE AUGUST 5, 2015, COUNCIL MEETING. THE MOTION PASSED 6-0-1 (DEMMER ABSTAINED).

CONSENT AGENDA/INFORMATIONAL BUSINESS

3. ADOPT RESOLUTION 15-105, ADOPTING ASSESSMENT FOR STREET RECONSTRUCTION, 1313 COON RAPIDS BOULEVARD
4. RECEIVE GAMBLING EXPENDITURE REPORT
5. ADOPT RESOLUTION 15-106 APPROVING COON RAPIDS ST. PAUL SAINTS DAY

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

Mayor Koch discussed St. Paul Saints Day noting this event would be held on Saturday, September 12th.

THE MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

6. 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 7:21 p.m. since no one appeared to address the

Council.

Mayor Koch considered the Ordinance to be introduced.

BID OPENINGS AND CONTRACT AWARDS

7. CONSIDER ADOPTING RESOLUTION NO. 15-23(9) AWARDING A CONTRACT FOR THE COON RAPIDS BOULEVARD TRAIL REHABILITATION

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 15-23(9) AWARDING A CONTRACT TO BARBER CONSTRUCTION CO., INC. IN THE AMOUNT OF $545,210.00 FOR THE REHABILITATION OF THE COON RAPIDS BOULEVARD TRAIL FROM ELDORADO STREET TO HANSON BOULEVARD.

Councilmember Johnson was pleased that this trail would be rehabilitated as it was in poor condition.

THE MOTION PASSED UNANIMOUSLY.

OLD BUSINESS

8. CONSIDER GATE CLOSURE LOCATED ON CRANE STREET NEAR 133RD AVENUE

The Staff report was shared with Council.

Councilmember Johnson asked for the location of the proposed gate. City Manager Stemwedel reported that the gate was located on the north end of Wexford.

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER GEISLER, TO DIRECT THE GATE ON CRANE STREET, SOUTH OF 133RD AVENUE, BE OPENED YEAR ROUND. IT IS FURTHER RECOMMENDED THAT THE PERMANENT OPENING OCCUR WITH THE FIRST SNOWFALL OF THE SEASON IN THE FALL/WINTER OF 2015. THIS DELAY IN THE PERMANENT OPENING WILL ALLOW THE INVESTIGATION OF ADDITIONAL TRAFFIC CONTROL MEASURES, AND POTENTIAL IMPLEMENTATION, TO ALLEVIATE SOME OF THE RESIDENTIAL CONCERNS THAT ORIGINALLY INITIATED THE INSTALLATION OF THE GATE.

Councilmember Manning asked if any additional safety measures were discussed at the August 12th neighborhood meeting. Public Works Director Himmer explained he would be meeting with Bev Retick to discuss some additional safety measures.

Councilmember Manning requested staff forward comments from this meeting to the Council via email or through the weekly memo.

THE MOTION PASSED UNANIMOUSLY.

9. CONSIDER ADOPTION OF ORDINANCE 2143 AND RESOLUTION 15-104 RESTRICTING PARKING ON NORTHDALE BOULEVARD

The Staff report was shared with Council.

Mayor Koch questioned how much the City would be spending on property acquisitions. Public Works Director Himmer discussed how the curb line would be adjusted for the realignment of the roadways. He explained that the land acquisition expenses would be 100% the responsibility of the City.

Mayor Koch was in favor of hearing from the residents regarding this item.

Debbie Kibbis, 830 Northdale Boulevard, expressed concern with the angle with which she has to enter and exit her driveway. She explained she has spoken with City staff requesting additional and wider parking along Northdale Boulevard to assist the homeowners along this roadway.

Paul Ginquist, 836 Northdale Boulevard, wanted to see additional safety built into Northdale Boulevard. He explained it was extremely difficult to back a trailer into his property. He encouraged the City to improve the slope and safety for the homeowners living along Northdale Boulevard.

Councilmember Manning understood there was a legitimate problem along Northdale Boulevard and questioned how the City would address this situation.

Councilmember Klint inquired if the apron slopes would be adjusted through the proposed street project. Public Works Director Himmer commented that the south side of the road would not be touched. He then discussed how the widening would occur along the roadway. He reported if the roadway were to be raised, the scope of the project would have to be broadened and the expense would vastly increase. He indicated the City could consider addressing the aprons and sidewalks along the south side of Northdale but explained this may require additional property acquisition.

Councilmember Demmer asked if the City had a best practice for the height differential or grade change that was followed by the City for sidewalks and driveways. Public Works Director Himmer

stated typically, there was no more than a 10% grade change. He discussed how this was handled for sidewalks.

Councilmember Johnson was in favor of moving the project forward, but encouraged staff to think creatively how to address the residents' concerns on the south side of Northdale Boulevard. He did not want to see the City creating an unsafe situation.

Councilmember Geisler agreed that parking should not be allowed, however, the safety of the driveways along the south side of Northdale Boulevard had to be addressed. She was interested in City staff brainstorming options to improve the safety along this corridor.

Councilmember Klint asked if the County had any plans to address this road. Public Works Director Himmer stated Anoka County owns Northdale Boulevard. He did not believe that the County had any plans to address this roadway.

Mayor Koch questioned if the City could create a backage road for the homes along the south side of Northdale in order to address their safety concerns. Public Works Director Himmer explained that the City did own park land, but noted this land was heavily wooded and was needed for storm sewer. He discussed the park improvements that would be completed by the end of 2015.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT ORDINANCE 2143 RESTRICTING PARKING ON BOTH SIDES OF NORTHDALE BOULEVARD FROM REDWOOD STREET TO QUINCE STREET; AND ADOPT RESOLUTION NO. 15-104 RELATING TO PARKING RESTRICTIONS ON BOTH SIDES OF NORTHDALE BOULEVARD FROM REDWOOD STREET TO QUINCE STREET.

Councilmember Johnson encouraged staff to think creatively on how to address the concerns expressed this evening by the homeowners along Northdale Boulevard and requested this be discussed by the Council at a future worksession meeting.

THE MOTION PASSED UNANIMOUSLY.

10. CONSIDER ADOPTING ORDINANCE 2144 REPEALING CITY CODE CHAPTER 13-500 REGARDING ON SITE SEWAGE TREATMENT SYSTEM REGULATIONS

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER DEMMER, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT ORDINANCE 2144, REPEALING IN ITS ENTIRETY, CHAPTER 13-500 AND REPLACING IT WITH THE NEW CHAPTER 13-500 OF THE CITY CODE REGULATING SUBSURFACE SEWAGE TREATMENT SYSTEMS.

Councilmember Klint requested that if additional time was spent on this matter by staff, that the impacted parties be charged. Staff reported this practice would be followed.

THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

11. PC 15-23 CONSIDER APPEAL OF CONDITION OF APPROVAL FOR SUBDIVISION EXCEPTION – MARY KAYSER, 3338 116TH AVENUE

The Staff report was shared with Council.

Councilmember Wells asked how far the shed was encroaching on the property line. Planner Harlicker commented that the shed was actually 15" too close to the property line.

Councilmember Wells questioned if this issue was a dispute between the neighbors or if there was a lot line dispute. Planner Harlicker indicated that when Wells Fargo took over ownership of the lot, research was conducted on the property lines. He explained that the City has been working with Wells Fargo to remedy the situation and proposed a new property line; however, a slight encroachment into the easement remains.

Councilmember Geisler asked if the neighboring shed was five feet from the new property line. Planner Harlicker reported this was the case.

Councilmember Geisler supported staff's recommendation.

Councilmember Demmer discussed the perceived lot line and asked if the City has ever required a property owner to remove the shed and assume the original property line. City Attorney Brodie advised this issue centers around an 18-inch encroachment. He explained that the Council would be approving a non-conforming structure within the setback. For this reason, the shed could not be improved or replaced. He commented that the City would continue to view the shed as a non-conforming use.

Councilmember Johnson asked if the lot line adjustment had been approved. Planner Harlicker reported this to be the case, but noted the lot line adjustment has not been recorded with the County due to the fact Condition 2 was being appealed.

Councilmember Geisler discussed the process for variance, setback and encroachment issues with the Board of Adjustment and Appeals. She questioned if this request had to be reviewed by this Board. City Attorney Brodie reported the Council was simply being asked to remove Condition 2 and was not approving a variance.

Councilmember Wells believed that the appeal was quite minor and supported staff's recommendation.

Councilmember Manning inquired if the shed could be moved 18 inches. Planner Harlicker indicated this would be difficult as the shed was anchored on a concrete slab.

Councilmember Johnson discussed the request further and explained the Council was being asked to appeal a condition from a Planning Case. He indicated if the Council proceeded as directed by staff, the shed would remain as a non-conforming use. He explained that another course of action would be for the applicant's to request a variance. City Attorney Brodie reported this was the case.

Councilmember Geisler questioned if the utility easement was an issue. Public Works Director Himmer commented that the five-foot utility easement would remain and the shed would slightly encroach on the easement.

Councilmember Demmer suggested that the applicant be required to receive a variance for the shed.

Councilmember Geisler supported this recommendation. City Attorney Brodie commented that staff was uncertain of Wells Fargo's position. He commented that Wells Fargo was in litigation on the property and was waiting for the subdivision issue to be resolved.

Councilmember Manning recommended that the appeal be denied and that the applicant pursue the variance procedure.

Mayor Koch believed that Wells Fargo was waiting for this issue to be resolve din order to remarket the property. He stated it was unfortunate that the shed could not just be moved 18 inches.

Mary Kayser, 3338 116th Avenue NW, explained that the shed was more than five feet from the fence. She discussed the layout of her property and understood there was a slight encroachment at this time. She reported that she has lived in the home for 23 years and the shed had been in this same position for the past seven years.

Councilmember Johnson asked if Ms. Kayser was willing to apply for a variance. Ms. Kayser explained this would hold up the Wells Fargo litigation. She discussed the agreement she had with Wells Fargo at this time, noting that the shed did not have to move.

City Attorney Brodie recommended that the Council have the applicant pursue a variance and that an easement encroachment agreement be drafted.

Councilmember Klint questioned if the lot line could be adjusted another nine inches to eliminate the need for the variance. Ms. Kayser indicated she has made this request and Wells Fargo was unwilling to compromise any further.

Mayor Koch questioned if the Council could make a recommendation this evening. City Attorney Brodie recommended that the approval be conditioned on the applicant receiving a variance for the shed with an encroachment agreement.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER GEISLER, TO AFFIRM THE APPLICANT'S APPEAL TO REMOVE CONDITION 2 WHICH READS:

- THE STORAGE SHED ON LOT 9 BE MOVED OR THE WIDTH REDUCED SO THAT IT COMPLIES WITH THE FIVE FOOT SETBACK REQUIREMENT.

ADDING A NEW CONDITION WHICH READS:

- THE APPLICANT IS REQUIRED TO APPLY FOR A VARIANCE AND ENTER INTO AN EASEMENT AGREEMENT WITH THE CITY OF COON RAPIDS.

City Attorney Brodie advised that there was no guarantee that the variance would be approved.

Councilmember Manning explained that the proposed motion would hold up the Wells Fargo situation.

Councilmember Geisler recommended that staff fast track the variance request. City Attorney Brodie discussed the variance process in further detail with the Council. He believed that the process could move forward with a dual track and could be accomplished fairly quickly.

Councilmember Manning believed the easiest solution to this problem would be to move the shed 18 inches.

Councilmember Geisler explained that the motion put forth would allow the applicant to find a possible resolution by either moving the shed 18 inches or by allowing her to pursue the variance procedure.

Councilmember Klint indicated she would not be supporting the motion because she believed the request should have been approved as requested.

THE MOTION PASSED 6-1 (KLINT OPPOSED).

12. CONSIDER JOINT POWERS AGREEMENT WITH ANOKA COUNTY FOR THE RECONSTRUCTION OF FOLEY BOULEVARD BETWEEN EGRET AND NORTHDALE BOULEVARDS; CITY PROJECT 13-10

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER MANNING, TO TABLE ACTION ON THIS ITEM TO A FUTURE COUNCIL MEETING. THE MOTION PASSED 6-0-1 (KLINT ABSTAINED).

13. ORDER PREPARATION OF FEASIBILITY REPORT AND PREPARATION OF PLANS FOR PROJECT 16-1, MSA STREET RECONSTRUCTION

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 16-1(3) ORDERING PREPARATION OF FEASIBILITY REPORT; AND ADOPT RESOLUTION NO. 16-1(6) ORDERING PREPARATION OF PLANS. THE MOTION PASSED UNANIMOUSLY.

14. ORDER PREPARATION OF FEASIBILITY REPORT AND PREPARATION OF PLANS FOR PROJECT 16-2, MSA STREET RECONSTRUCTION

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT RESOLUTION NO. 16-2(3) ORDERING PREPARATION OF FEASIBILITY REPORT; AND ADOPT RESOLUTION NO. 16-2(6) ORDERING PREPARATION OF PLANS. THE MOTION PASSED UNANIMOUSLY.

15. ORDER PREPARATION OF FEASIBILITY REPORT AND PREPARATION OF PLANS FOR PROJECT 16-3, MSA STREET RECONSTRUCTION

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER DEMMER, TO ADOPT RESOLUTION NO. 16-3(3) ORDERING PREPARATION OF FEASIBILITY REPORT; AND ADOPT RESOLUTION NO. 16-3(6) ORDERING PREPARATION OF PLANS. THE MOTION PASSED UNANIMOUSLY.

16. ORDER PREPARATION OF FEASIBILITY REPORT AND PREPARATION OF PLANS FOR PROJECT 16-4, MSA STREET RECONSTRUCTION

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT RESOLUTION NO. 16-4(3) ORDERING PREPARATION OF FEASIBILITY REPORT; AND ADOPT RESOLUTION NO. 16-4(6) ORDERING PREPARATION OF PLANS. THE MOTION PASSED UNANIMOUSLY.

17. CONSIDER APPROVAL OF CONCEPT DRAWINGS AND ORDER PREPARATION OF PLANS AND SPECIFICATIONS FOR CITY PROJECT 15-20; 2016 PARK REDEVELOPMENT PROJECTS

The Staff report was shared with Council.

Mayor Koch questioned what size shelter was being proposed for the park. Public Works Director Himmer anticipated that a 16' x 16' shelter would be installed.

Councilmember Klint asked if there were neighbors fighting over shelter use. Public Works Director Himmer stated this has not been a concern, but additional shelters available for rental would benefit the City while also reducing the stress of residents planning events in the park.

Mayor Koch believed it made sense to allow residents to reserve neighborhood park shelters for birthday parties or other events. He suggested a small stipend be charged for the use of the shelters.

There was Council consensus to have the proposed park shelters the sizes recommended by staff and allow the shelters to be reservable.

Councilmember Klint questioned if it was necessary to have ag lime in the infields. Public Works Director Himmer stated with the redesign of the park, it may be nice to offer this for the new ballfields.

Councilmember Demmer supported the realignment of the ballfields, as it would keep children from hitting foul balls towards adjacent homes.

Councilmember Johnson asked if any winter recreation was being considered for these parks. Public Works Director Himmer commented there has not been a rink in any of these parks, nor would one be added.

Councilmember Klint discussed the proposed native plantings at Pheasant Ridge Park and recommended these be planted along the park edges. She feared that the plantings would be construed to be weeds if planted in an open space. Public Works Director Himmer stated this park would remain a natural amenity. He reported that the garden planting areas would have educational signage.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER DEMMER, TO APPROVE THE PROPOSED CONCEPTUAL PARK PLANS AND AUTHORIZE THE PREPARATION OF FINAL PLANS AND SPECIFICATIONS FOR THE 2016 PARK REDEVELOPMENT PROJECTS. 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.

Jerry Pierce, 12236 Partridge Street, requested the Council and City staff consider the creation of a Citizen Request Committee. He was in favor of the Council creating such a committee, as this would provide further input to the Council from residents regarding contracts and vendors.

REPORTS ON PREVIOUS OPEN MIC

None.

OTHER BUSINESS

Councilmember Klint requested staff have a conversation with Anoka County regarding the condition of Northdale Boulevard from Hanson Boulevard towards Sand Creek.

Councilmember Klint commented she received a phone call from a resident expressing concern with the religious institutions in the City of Coon Rapids. She explained that the other Councilmembers can expect a call from her regarding this subject.

ADJOURN

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER JOHNSON, TO ADJOURN THE MEETING AT 9:12 P.M. THE MOTION PASSED UNANIMOUSLY.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk