

COON RAPIDS CITY COUNCIL MEETING MINUTES OF OCTOBER 20, 2015

CALL TO ORDER

The second regular meeting of the Coon Rapids City Council for the month of October was called to order by Mayor Jerry Koch at 7:00 p.m. on Tuesday, October 20, 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 DEMMER, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT THE AGENDA AS AMENDED, AMENDING ITEM 6 ON THE CONSENT AGENDA. THE MOTION PASSED UNANIMOUSLY.

PROCLAMATIONS/PRESENTATIONS

1. STEPPING STONES PRESENTATION

Julie Jepson, Development Director Stepping Stones Emergency Housing, introduced herself to the Council. She discussed the homeless population in the community and thanked the Council for supporting Hope 4 Youth. She explained Stepping Stones was unique as it was the only homeless shelter in Anoka County with 66 men and women aged 18 and older. She discussed the programs and services offered at the shelter that were assisting individuals in becoming self-sufficiency. She provided comment on the numerous partnerships that have been arranged with local organizations to assist with educational and health services. She encouraged the Council and public to get involved at Stepping Stones. She discussed the numerous ways in which the public could be involved with her organization.

Mayor Koch thanked Ms. Jepson for her presentation and stated he was so impressed by the work being done at Stepping Stones.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

2. OCTOBER 6, 2015, COUNCIL MEETING

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER WELLS, FOR APPROVAL OF THE MINUTES OF THE OCTOBER 6, 2015, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA/INFORMATIONAL BUSINESS

3. ADOPT RESOLUTION 15-117 AND 15-118, LEVYING OF MISC. 2015(2) APPEALS
4. APPROVE WAIVER OF CHRISTMAS TREE SALES FEE FOR BOY SCOUT TROOP 212
5. APPROVE THERAPEUTIC MASSAGE ENTERPRISE LICENSE FOR MASSAGE BY CRAIG, 12685 RIVERDALE BOULEVARD
6. CONSIDER ADDITIONAL COST FOR CROOKED LAKE TREATMENT FOR INVASIVE SPECIES
7. APPROVE CITY MANAGER'S OFFICE STAFFING CHANGES

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

PUBLIC HEARING

None.

BID OPENINGS AND CONTRACT AWARDS

None.

OLD BUSINESS

None.

NEW BUSINESS

8. APPEAL BOARD OF ADJUSTMENT AND APPEALS DECISION; DENIAL OF FENCE SETBACK VARIANCE IN PC 15-53V; JOHN AND KATHY BRANDSTETTER; 10441 GOLDENROD STREET

The Staff report was shared with Council.

Councilmember Manning asked if the fence would be put back in the same location, or new location. Planner Harlicker explained the fence was at the property line and would like to put it in a new location.

Mayor Koch questioned if the Brandstetter's received compensation from the County for their property. Planner Harlicker believed this was the case.

John Brandstetter, 10441 Goldenrod Street, explained he was compensated by the County for the property he lost in the cul-de-sac (two feet), but was not compensated for the additional three feet for the setback.

Councilmember Johnson asked who removed the Brandstetter's fence. Kathy Brandstetter, 10441 Goldenrod Street, reported they have been working with Richard at the County. Mr. Brandstetter discussed the temporary fence that was put in their yard by the County.

Councilmember Johnson inquired if the Brandstetter's were concerned about snow piles damaging their fence. Mr. Brandstetter assumed that a small portion of the fence would require more maintenance than the remainder of the fence. He was willing to assume this risk.

Councilmember Klint explained that she lives in a neighborhood where fences are constantly being ruined by plow trucks. These homeowners then come after the City seeking reimbursement. She questioned how the City could be proactive to ensure this does not happen with the Brandstetter's. Public Works Director Himmer stated this was the main reason fences were required to be on private property and not within the City right-of-way.

City Attorney Brodie advised that in order to grant a variance, the Council has to make findings. He discussed the City's liability and commented that a condition could be made to the variance to ensure that the City assumes no liability for the fence if located within the right-of-way. He questioned where the old fence was located with respect to the new fence location.

Mr. Brandstetter discussed the location of the previous fence and indicated he was requesting to place the new fence on the property line.

Councilmember Johnson stated the Brandstetter's were simply requesting to maintain an existing fence that was only being changed, because of the joint County/City project. He reported that the Brandstetter's have lost five feet of their yard and were only compensated for two feet. He indicated

it was the Brandstetter's understanding after speaking with County personnel that the fence could be placed back on the property line after the County removed their fence. He did not see the request as a variance as the Brandstetter's were requesting to put their fence back where it was. He believed it was fair and just to allow the Brandstetter's to put their fence back, so long as the City does not have to assume any responsibility for the fence maintenance. He questioned if the matter should be tabled in order to allow City staff to speak with the Brandstetter's about a waiver or liability agreement.

Councilmember Manning agreed the fence should be grandfathered in.

Mayor Koch questioned if the item could be tabled or if the Council had to take action this evening. City Attorney Brodie advised that if the applicants agreed to a continuance, the matter could be tabled in order to allow staff to work with them on a liability agreement.

Councilmember Klint expressed concern with grandfathering the fence in, as it was a non-conforming use. City Attorney Brodie stated the unique circumstance with this request was that the fence could not be replaced at its previous location, or it would be located within the cul-de-sac. For that reason, the new property line was being suggested as the fence location, which was the fences previous location.

Councilmember Demmer commented that the fence would be equally conforming if placed back on the lot line. He suggested that the City's liability be written into the variance prior to being approved.

Councilmember Geisler believed this was a unique lot given how it was surrounded by three roads that had a non-conforming use. She indicated that a very minor portion of the fence was being requested to be placed on the property line.

Councilmember Johnson explained that another unique point that should be considered with this request was that none of the circumstances were created by the property owner. The shift in property lines were brought about by the joint City/County street improvement project. He did not believe there would be an impact on any other Coon Rapids residents if the fence variance were supported by the City Council.

Councilmember Wells wanted to see some sort of waiver or liability agreement in place prior to the Council approving a variance for the Brandstetter's.

City Attorney Brodie commented that based on the Council's discussion he believed that the variance could be approved this evening and indicated staff would work with the Brandstetter's to reach an agreement regarding the fence's liability.

Mayor Koch explained that in order to overturn a decision of the Board of Appeals, the Council would need five affirmative votes. He questioned if the City had any other fences that were two feet from the curb line. Public Works Director Himmer did not believe this to be the case. Further discussion ensued regarding the unique circumstances behind this request.

Mayor Koch believed the request was reasonable.

Councilmember Manning was in favor of delaying action on this request until City staff could reach a liability agreement with the applicants.

Councilmember Geisler did not believe the matter had to be delayed two weeks, as the applicants were willing to assume all responsibility for the fence maintenance. She indicated the only variance issue that needed to be addressed by the Council was if the property could not be used in a reasonable manner. She questioned if it was reasonable for the County and City to take the Brandstetter's land, remove their fence and then not allow them to replace their fence on the property line. She did not believe it was reasonable for the City to take their land and not allow them to replace the fence.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER WELLS, TO OVERTURN THE BOARD OF ADJUSTMENT AND APPEALS, AND APPROVE THE FENCE VARIANCE SETBACK FOR JOHN AND KATHY BRANDSTETTER AT 10441 GOLDENROD STREET, CONDITIONED UPON CITY STAFF REACHING A LIABILITY AGREEMENT WITH THE BRANDSTETTER'S WITH THE FINDINGS AS DISCUSSED BY THE CITY COUNCIL.

Mayor Koch asked if staff was satisfied with the motion. City Attorney Brodie was satisfied based on the discussion held by the City Council. However, he indicated there was some concern with the how the fence jogged at the corner.

Councilmember Johnson believed that the fence was located and connected in the same manner previously.

Mayor Koch asked if the staff supported the encroachment into the right of way at the corner. Public Works Director Himmer explained the property owners would need to have an encroachment agreement in place that would require the Brandstetter's to be responsible for the replacement of the fence should it be damaged by the City. He recommended that the encroachment agreement be recorded against the property and not with the homeowner's.

Councilmember Demmer supported an encroachment agreement being reached between the City and the Brandstetter's. He added that he believed it was reasonable to have the Brandstetter's only move their fence two feet as this was the amount of land they were compensated for. He offered a friendly amendment that staff be directed to enter into an encroachment agreement with the Brandstetter's for the portion of the fence that would be located on the City's right-of-way.

FRIENDLY AMENDMENT: THAT STAFF BE DIRECTED TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE BRANDSTETTER'S FOR THE PORTION OF THE FENCE THAT WOULD BE LOCATED ON THE CITY'S RIGHT-OF-WAY.

THE MOTION PASSED UNANIMOUSLY.

9. ORDINANCE INTRODUCTION, SALE OF RESIDENTIAL LOT, 11400 HANSON BOULEVARD

The Staff report was shared with Council.

Mayor Koch opened and closed the public hearing at 7:59 p.m. since no one appeared to address the Council.

Councilmember Klint noted that she received one call regarding this matter. Community Development Director Brown explained he spoke with this same individual and discussed in detail the potential sale of the residential lot.

Mayor Koch considered the Ordinance to be introduced.

10. CONSIDER PURCHASE OF RESCUE TRUCKS

The Staff report was shared with Council.

Councilmember Manning asked if the City's existing rescue trucks would be sold. Fire Chief Piper stated this was his goal and anticipated that the City would make roughly \$40,000 on the trade-in of the existing rescue vehicles.

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER JOHNSON, TO AUTHORIZE THE PURCHASE OF TWO REPLACEMENT ROSENBAUER RESCUE TRUCKS. THE MOTION PASSED UNANIMOUSLY.

OPEN MIC/PUBLIC COMMENT

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

REPORTS ON PREVIOUS OPEN MIC

11. OPEN MIC REPORT – DALE KOCH, 2020-127TH AVENUE NW

Mayor Koch discussed Mr. Koch's comments made during Open Mic at the October 6, 2015 Council meeting.

OTHER BUSINESS

Councilmember Klint believed there were too many temporary signs posted within the City's right-of-way along Coon Rapids Boulevard and around Riverdale. She encouraged staff to pick these up and store them at the Public Works facility.

Mayor Koch commented the next Council meeting will be held on Wednesday, November 4th due to the upcoming election.

Mayor Koch encouraged the public to attend the Rotary Club's Wine Tasting and Auction on Thursday, October 22nd at the Bunker Hills Event Center.

Councilmember Klint was pleased with the work that had been done on the fields at Sand Creek Park. She asked when the fields would be open for use. Public Works Director Himmer commented that the fields would not be programmed until the summer of 2017.

Councilmember Johnson encouraged the public to attend the Coon Rapids Lion's All You Can Eat Breakfast, which would be held on October 25, 2015 from 8:00 a.m. to 12:00 p.m. at the Coon Rapids VFW. Tickets for this event were \$8 for adults and \$6 for seniors.

ADJOURN

MOTION BY COUNCILMEMBER DEMMER, SECONDED BY COUNCILMEMBER GEISLER, TO ADJOURN THE MEETING AT 8:13 P.M. THE MOTION PASSED UNANIMOUSLY.



Jerry Koch, Mayor

ATTEST:


Joan Lenzmeier, City Clerk

