

COON RAPIDS CITY COUNCIL MEETING MINUTES OF AUGUST 16, 2016

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

PROCLAMATIONS/PRESENTATIONS

None.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

1. AUGUST 3, 2016, COUNCIL MEETING

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER GEISLER, FOR APPROVAL OF THE MINUTES OF THE AUGUST 3, 2016, COUNCIL MEETING. THE MOTION PASSED 6-0-1 (DEMME ABSTAINED).

CONSENT AGENDA/INFORMATIONAL BUSINESS

2. APPROVE TEMPORARY ON-SALE STRONG BEER AND WINE LIQUOR LICENSE FOR CATHOLIC WATCHMAN RALLY AT EPIPHANY CHURCH
3. APPROVE TEMPORARY ON-SALE STRONG BEER AND WINE LIQUOR LICENSE

- FOR BLUE LIVES MATTER AT AMERICAN LEGION POST 334
4. APPROVE CHANGE ORDER AND FINAL PAYMENT FOR PROJECT 16-7, 2016 WELL REHABILITATION PROGRAM
 5. ADOPT RESOLUTION 16-86, 16-87 AND 16-88 LEVY OF MISCELLANEOUS 2016(2) APPEALED ASSESSMENTS
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MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER DEMMER, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED.

Councilmember Klint asked if the Council should take action on the appealed assessments. City Attorney Brodie reviewed the proper course of action for these cases and noted the Board of Adjustments has recommended the Council approve these assessments. He stated the property owners' next step would be to take the matter to the District Court for further appeal. He advised this same process has been followed for the past several years and the Council has not allowed matters to be reopened and discussed.

Councilmember Johnson was uncertain if the Council had enough information to make a recommendation on these matters given the fact they were being recommended as a mass and not as individual cases.

Mayor Koch believed this would lead the Council to a much larger conversation.

Councilmember Manning understood the Council had just received this information, however, he did not want to see the Council deviate from the followed practice.

Councilmember Geisler questioned if the Board of Adjustments had final approval on this matter. City Attorney Brodie explained the Board of Adjustments was a recommending body to the City Council. He noted this group took testimony, heard the evidence for each appeal and then made a recommendation to the City Council based on the information provided to the Board.

Mayor Koch supported the recommendation given the fact a full hearing was already held by the Board of Adjustments.

Councilmember Demmer questioned why one assessment amount was cut in half. City Attorney Brodie stated it was his understanding the amount was reduced because the person had completed the proper credit check.

Mr. Neilson expressed his frustration that the City Council would be rubber-stamping the Board of Adjustments recommendation.

Councilmember Klint asked if a single item could be removed from the recommendation being made by the Board of Adjustments.

City Attorney Brodie stated the Council could proceed in this manner, but he did not recommend it.

He did not believe the City Council was simply rubber-stamping these matters, but rather that a process has been followed and a hearing was held where evidence and facts was reviewed. He discussed how further appeals could be brought to District Court.

Councilmember Manning supported the process that has been followed for the City.

Councilmember Geisler provided further comment on the decisions that are made by the City's recommending bodies. City Attorney Brodie described the process that has been followed in the past for appeals noting the Council did have the authority to consider a single item, however this has not been the practice in the past.

Councilmember Johnson believed this item was difficult because it was on the Consent Agenda. He discussed the assessment amounts further and stated he would like to have more information to understand why an assessment went from \$15,000 to \$7,500. He stated he has never found himself not supporting the Consent Agenda, but indicated he could not vote in favor of the matter before him.

Councilmember Klint asked if the homeowner had taken the proper action to proceed to the next step. City Attorney Brodie reported the homeowner had objected and had the ability to appeal the Council's action.

Councilmember Klint questioned if an item could be removed from the Consent Agenda to be discussed further by the City Council. City Attorney Brodie reported the Council had a motion and second to approve the Consent Agenda as is.

Councilmember Manning stated he could support amending the Consent Agenda.

Councilmember Geisler recommended the item be removed, which would allow the Council to support the remaining items on the Consent Agenda.

Councilmember Wells did not believe it would do the Council any good to move the item further on down the agenda given the fact staff was not prepared to have further discussion on this matter.

Councilmember Geisler was in favor of the item being removed and tabled.

Mayor Koch feared that this would interfere with the assessment timeline and the City's prescribed appeal process. He noted staff was not prepared to give a presentation on this item. He questioned how the Council could single out a single appeal and allow for further testimony. He did not believe it was in the City's best interest to allow the other 13 appeals to come in and provide further comment.

Councilmember Klint stated she was not arguing with the appeal process. She simply wanted to be able to vote no for the appeals and support the remaining items on the Consent Agenda.

Councilmember Manning supported the Mayor's statement. He did not recommend the City Council single out one item. He believed what was fair for one, should be fair for all of them. He requested the Council not go against the appeal process that has been followed for years.

Councilmember Johnson stated if this was the case then the City Council has rubber-stamped these appeals for years and no further consideration has ever been taken. Respectfully, he did not believe this was the proper course of action for one of the appeals. He stated all of the residents were made aware that this matter would be considered by the Council on the Consent Agenda and only Mr. Neilson was in attendance at the meeting, with the full understanding he would not be able to speak out against the matter. He believed Mr. Neilson had the right to provide more information to the City Council regarding the appeal.

Councilmember Klint requested the Council be allowed to vote on the Consent Agenda items individually.

Mayor Koch stated this was not the motion on the floor.

THE MOTION PASSED 4-3 (KLINT, GEISLER AND JOHNSON OPPOSED).

PUBLIC HEARING

None.

BID OPENINGS AND CONTRACT AWARDS

None.

OLD BUSINESS

6. CONSIDER ADOPTION OF ORDINANCE 2174, AN ORDINANCE REVISING THE COMPLIANCE DATE EXTENSION FOR A CITATION
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The Staff report was shared with Council.

MOTION BY COUNCILMEMBER DEMMER, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT ORDINANCE 2174, REVISING THE AMOUNT OF TIME A CITY OFFICIAL CAN EXTEND A COMPLIANCE DEADLINE FOR A CITATION AND THEREBY AMENDING REVISED CITY CODE SECTION 2-1105(2).

Councilmember Klint was bothered by the proposed changes. She questioned how extensions would be determined by staff. Neighborhood Coordinator DeGrande discussed the current process followed by staff and noted maintenance issues would be allowed more time to be brought into compliance. She explained the City has two inspectors and each takes into consideration the history of the property when setting a compliance timeline.

Councilmember Klint asked if extensions could be removed if the situation were to become worse instead of better. Neighborhood Coordinator DeGrande did not recall a situation where the City has rescinded an extension. She provided further comment on the tight timelines that were set forth by the City in order to bring a property back into compliance with City Code.

Councilmember Demmer supported the proposed Ordinance and allowing staff some additional discretion when managing compliance issues. He requested staff monitor how many extensions residents are given to ensure the City remains consistent.

Councilmember Klint requested this item be discussed further by the Council at an upcoming worksession meeting. City Manager Stemwedel stated this matter has been on his radar for some time and agreed this matter should be discussed further by the City Council.

THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

7. CONSIDER INTRODUCTION OF AN ORDINANCE TO CREATE MISDEMEANOR PENALTY FOR FAILURE TO HAVE RABIES VACCINATION

The Staff report was shared with Council.

Mayor Koch questioned if other communities had set a precedent on this matter. He asked who would receive the misdemeanor. City Attorney Brodie stated the owner of record would be cited with the offense noting the citation would be a payable misdemeanor versus appearing in court.

Councilmember Johnson suggested the misdemeanor be changed to a petty misdemeanor. City Attorney Brodie commented the Council could elect to make this change, noting that subsequent offenses could have a more serious consequence.

Councilmember Johnson reviewed the language included within the City of Anoka's City Code regarding pets. He reported the language was vague stating a petty misdemeanor or misdemeanor would be charged.

Councilmember Klint asked if puppies would be exempt from this Ordinance. City Attorney Brodie explained if a dog cannot be vaccinated because of age, the City would not charge a pet owner.

Mayor Koch requested staff change the misdemeanor reference to a petty misdemeanor within the Ordinance prior to the Second Reading.

Mayor Koch considered the Ordinance regarding the creation of a misdemeanor penalty for the failure to have rabies vaccination to have been introduced.

8. **CONSIDER INTRODUCTION OF AN ORDINANCE RESTRICTING PARKING ON CROOKED LAKE BOULEVARD SERVICE ROAD**

The Staff report was shared with Council.

Mayor Koch asked if the City had received any comments from the public regarding the proposed parking restriction on the Crooked Lake Boulevard service road. Public Works Director Himmer reported the City had received no comments.

Councilmember Klint requested the City consider no parking along some of the adjacent streets.

Councilmember Demmer questioned if there were any other areas of the City that similar consideration should be made. Public Works Director Demmer noted the City received complaints from residents near the Blaine High School. He described how these complaints are reviewed by staff.

Mayor Koch considered the Ordinance restricting parking on Crooked Lake Boulevards Service Road to have been introduced.

9. **CONSIDER INTRODUCTION OF AN ORDINANCE RESTRICTING PARKING ON 105TH LANE NW AND KUMQUAT STREET NW**

The Staff report was shared with Council.

Councilmember Johnson reported he lives in this neighborhood and asked what the issue was with the parking. Public Works Director Himmer stated there were concerns with snow removal, blocked sight lines and apartment parking spilling onto the street.

Mayor Koch considered the Ordinance restricting parking on 105th Lane NW and Kumquat Street NW to have been introduced.

10. **CONSIDER INTRODUCTION OF AN ORDINANCE RESTRICTING PARKING ON 114TH AVENUE NW AND MAGNOLIA STREET NW**

The Staff report was shared with Council.

Councilmember Klint questioned why the City was pursuing no parking signs for these streets. Public Works Director Himmer explained there were snow removal concerns.

Mayor Koch considered the Ordinance restricting parking on 114th Avenue NW and Magnolia Street NW to have been introduced.

11. CONSIDER RESOLUTION 16-89 ESTABLISHING 2016-2017 COON RAPIDS ICE CENTER RENTAL RATES

The Staff report was shared with Council.

Councilmember Klint asked why the hockey association rate was different. Public Works Director Himmer explained the hockey association rates were compared to neighboring communities and the City was trying to keep them in line with everyone else. He reported the City had tried to keep the rates more affordable, but reported there was a movement to even out the rate. It was noted the outdoor ice was less expensive.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER GEISLER, TO APPROVE THE PROPOSED 2016-2017 RATE STRUCTURE FOR THE COON RAPIDS ICE CENTER. THE MOTION PASSED 6-1 (KLINT OPPOSED).

12. CONSIDER APPROVAL OF 2016-2017 COON RAPIDS ICE CENTER USER CONTRACTS AND FEE STRUCTURE

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER WELLS, TO APPROVE THE PROPOSED 2016-2017 COON RAPIDS ICE CENTER FEE STRUCTURE AND USER CONTRACTS. 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.

Jim Nielson, 118 East Main Street, explained he was a real estate attorney. He believed it was unusual for a City to have their Open Mic portion of the meeting at the end of the agenda. He requested the City provide him a written Ordinance providing the Board of Adjustment the authority to make a final decision which can only be appealed to the County District Court and not to the City Council. He explained there was a reason the citizens of Coon Rapids elected Councilmembers. He did not believe the Board of Adjustment should be making a final determination on appeals with the

City Council simply rubber-stamping these decisions. He assumed none of the Councilmembers wanted to be seen as a rubber stamp. He had an issue with the \$15,000 fine he was being charged stating there was no legal basis. He could not understand how staff determined this amount. It was his understanding the fees were being charged because written documentation for the credit reports and criminal background checks were not provided to the City. He stated this requirement was not cited within the City Ordinance. He believed credit checks were regulated by the Federal government. He described the documentation that had to be kept on file for landlords based on the City Ordinance requirements. He explained he would be bringing this to District Court.

Angie Hasseck stated she was visiting the City Council on behalf of Eric Paulson. She explained Eric Paulson has an open door to assist residents with any Federal issues they may have.

REPORTS ON PREVIOUS OPEN MIC

13. OPEN MIC REPORT – DIANE MARSHALL REGARDING CREEKSIDE ESTATES

Mayor Koch discussed Ms. Marshall's comments made during Open Mic at the July 21, 2016 Council meeting.

14. OPEN MIC REPORT – BOB KRAHN REGARDING PROPERTY AT 12097 ILEX STREET NW

Mayor Koch discussed Mr. Krahn's comments made during Open Mic at the July 21, 2016 Council meeting. City Manager Stemwedel reported it was his understanding the security at the home has been improved. If the neighbors had further concerns, they were encouraged to contact the City.

OTHER BUSINESS

Councilmember Manning stated concerns have been voiced regarding the parking situation at the Ward 1 precinct for the upcoming election. He asked if temporary parking could be allowed parking could be allowed along the street. City Clerk Lenzmeier stated this was being reviewed by staff.

Councilmember Demmer reported Thursday, August 25th marked the 100th anniversary of the founding of the American National Park System. He stated the Coon Rapids Dam was a member of the National Park System. He encouraged the public to visit the dam and take part in this park.

City Manager Stemwedel stated a Movie in the Park would be held at the Coon Rapids Soccer Complex on Friday, August 26th. He reported Inside Out would be screened at 8:30 p.m.

City Manager Stemwedel explained on Tuesday, August 23rd a Summer in the City meeting would be

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held at Kennedy Park at 6:30 p.m.

ADJOURN

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER DEMMER, TO ADJOURN THE MEETING AT 8:12 P.M. THE MOTION PASSED UNANIMOUSLY.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk