

## COON RAPIDS CITY COUNCIL MEETING MINUTES OF NOVEMBER 1, 2016

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### CALL TO ORDER

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The first regular meeting of the Coon Rapids City Council for the month of November was called to order by Mayor Jerry Koch at 7:00 p.m. on Tuesday, November 1, 2016, in the Council Chambers.

### PLEDGE OF ALLEGIANCE TO THE FLAG

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Mayor Koch led the Council in the Pledge of Allegiance.

### ROLL CALL

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

Members Absent: None

### ADOPT AGENDA

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

### PROCLAMATIONS/PRESENTATIONS

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None.

### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

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#### 1. OCTOBER 18, 2016, COUNCIL MEETING

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER WELLS, FOR APPROVAL OF THE MINUTES OF THE OCTOBER 18, 2016, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

### CONSENT AGENDA/INFORMATIONAL BUSINESS

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#### 2. ACCEPT QUARTERLY FINANCIAL REPORT

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

#### PUBLIC HEARING

#### 3. ASSESSMENT HEARING MISCELLANEOUS 2016-3

The Staff report was shared with Council.

Mayor Koch asked if the City had received any written appeals. Finance Director Legg explained the City had received 13 written appeals and noted staff would revise the Resolution after this meeting.

Mayor Koch opened and closed the public hearing at 7:04 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 16-118 ADOPTING 2016(3) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED ONE YEAR); RESOLUTION NO. 16-119 ADOPTING 2016(3) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED THREE YEAR); AND RESOLUTION NO. 16-120 ADOPTING 2016(3) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED FIVE YEAR). THE MOTION PASSED UNANIMOUSLY.

#### BID OPENINGS AND CONTRACT AWARDS

None.

#### OLD BUSINESS

#### 4. CONSIDER ADOPTION OF ORDINANCE 2183 TO CREATE MISDEMEANOR PENALTY FOR FAILURE TO HAVE RABIES VACCINATION

The Staff report was shared with Council.

City Attorney Brodie reported the penalty would remain a misdemeanor and not petty misdemeanor to encourage residents to bring their pet into compliance with City Code.

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT ORDINANCE 2183, PROVIDING PENALTIES FOR FAILING TO VACCINATE A DOG.

Councilmember Johnson discussed the context of the Ordinance stating as it currently reads the same penalty would be handed down to pet owners for failing to vaccinate their dogs as first time offenders of domestic assault or those receiving their first DWI. He supported the penalty being a petty misdemeanor for a first offense and a second offense being a misdemeanor.

Councilmember Klint asked if the City could be sued if it did not have an enforceable vaccination law in place. City Attorney Brodie advised the City would not be at fault.

Councilmember Demmer questioned how the City would be advertising the new Ordinance requirements to the public. City Attorney Brodie explained the City would publish the Ordinance in the City newsletter and online. Police Chief Wise reported this typically became an issue for the City after a dog bite. He described how dog bite scenarios were handled by the Police Department and encouraged the Council to support the Ordinance as it would strongly encourage pet owners to vaccinate their dogs.

Further discussion ensued regarding how the Ordinance would be administered by the City.

Councilmember Johnson requested the Ordinance be managed through a diversion program. City Attorney Brodie stated this was the intent of the City.

Mayor Koch asked if the educational portion of this Ordinance would be in place after the Ordinance was published. City Attorney Brodie reported staff would have the educational portion of this Ordinance in place.

Councilmember Demmer questioned if prosecution of this Ordinance would change in the future. City Attorney Brodie explained the intent of the City would be to manage these offenses through the CAP diversion program.

THE MOTION PASSED UNANIMOUSLY.

5. CONSIDER ADOPTION OF ORDINANCE 2182 TO CHANGE ZONING OF OFFICE, GENERAL COMMERCIAL AND MODERATE DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL
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The Staff report was shared with Council.

Mayor Koch questioned if the adjacent lot would be orphaned by the proposed separation. Planner Harlicker believed this lot could be redeveloped at a future date.

Mayor Koch understood the proposed rezoning of this parcel, which was 2.7 acres in size, would allow for 17 units on the site. Planner Harlicker stated this was the case.

Councilmember Manning explained the proposal would be an enhancement to the City and additional units would require a density flexibility variance.

Councilmember Geisler asked what other uses were allowed within the High Density Residential zoning district. Planner Harlicker discussed the allowed uses for the High Density Residential zoning district, such as a boarding house, group home and State run facility.

Councilmember Geisler was not comfortable with some of the uses within the High Density Residential zoning district being located on this property. She feared a request may come before the City that the Council would not want, but would have to approve due to the rezoning.

Councilmember Klint did not support the rezoning request. It was her opinion staff has let the City down and adamantly believed this request was a case of spot zoning. She understood a development was not to be considered by the Council when a property was being rezoned. She was extremely frustrated with how this request was brought to the Council. She understood that this property would be redeveloped at some point in the future, however, she thought this case was brought to the Council in the wrong manner. She requested staff provide the Council with information on how the surrounding land values would not be impacted. She explained she would not be supporting the rezoning request as it was not the proper zoning for this site.

Mayor Koch apologized to Councilmember Klint for having a worksession to discuss this item.

Councilmember Geisler wanted to see this site redeveloped and understood the property had opportunity. However, she recommended the site be redeveloped without being rezoned to High Density Residential. She suggested any requests for this property be brought forward to the City and that density flexibility be considered under the current overlay district zoning. Planner Harlicker explained the applicant had pursued this route because it provided better justification for an apartment building.

Councilmember Manning stated it appears the cart has been put before the horse. He wished Councilmember Klint had presented the Council with her thoughts on this case prior to the meeting. He explained he had the understanding this was not an abnormal request. However, after hearing from Councilmember Geisler and Councilmember Klint, he supported the redevelopment request proceed under the current zoning with density flexibility.

Councilmember Johnson asked how long Pederson Floral had been out of business. Planner Harlicker estimated the property has been vacant for the last eight years.

Councilmember Johnson discussed the history of the property and believed the potential uses or visions for a site should be considered by the City Council when addressing a rezoning. He stated this was exactly what was done at the worksession meeting. He supported the rezoning and he

believed it made sense for the City.

Councilmember Manning was of the opinion the request should move forward without rezoning the property.

Mayor Koch believed the request was very well done by the developer and did not consider this to be a spot zoning matter. He understood that the majority of the Council supported the rezoning at the worksession meeting. He explained he would be offering his support of the rezoning.

Councilmember Demmer commented what makes this request confusing was the overlay district. He understood the Council had some discretion within the overlay district and believed any redevelopment of this site would be higher than seven units per acre, which would require the request to come before the City. He discussed the new apartment buildings along this corridor and was of the opinion that a high-density apartment building could benefit the City. He understood the potential developer was interested in building apartments that would benefit the employees of the college and hospital.

**MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER DEMMER, TO ADOPT ORDINANCE 2182, APPROVING THE PROPOSED ZONE CHANGE BASED ON THE FOLLOWING FINDINGS:**

1. THE PROPOSED REZONING TO HIGH DENSITY RESIDENTIAL IS CONSISTENT WITH THE LAND USE DESIGNATION OF HIGH DENSITY RESIDENTIAL
2. THE PROPOSED REZONING IS COMPATIBLE WITH THE ADJACENT LAND USES AND ZONING.
3. THE TIMES AND CONDITIONS HAVE CHANGE SO THAT A REASONABLE USE OF THE PROPERTY CAN NOT BE MADE UNDER THE CURRENT ZONING.
4. THE PROPOSED ZONE CHANGE WOULD NOT HAVE AN ADVERSE IMPACT ON THE AREA.
5. THE PROPOSED REZONING IS CONSISTENT WITH THE COON RAPIDS BOULEVARD FRAMEWORK PLAN AND THE RIVER RAPIDS OVERLAY DISTRICT.

Councilmember Manning stated based on the facts presented this evening with the understanding that seven units per acre was not viable, he would now be supporting the rezoning.

Councilmember Geisler wanted to see development on this property that aligned with the overlay district. She did not support this site becoming a high density residential development and for this reason, would not be supporting the rezoning.

Mayor Koch understood use flexibility would be required if more than seven units per acre was requested for the redevelopment of this property. He asked what the notification process was if the developer requested density flexibility. Planner Harlicker described the notification process stating Public Hearing notices would be sent out prior to the Planning Commission meeting.

Councilmember Wells went on record stating he did not support the zone change.

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

6. PC16-15: CONSIDER ADOPTION OF RESOLUTION 16-121 CHANGING LAND USE TO HIGH DENSITY RESIDENTIAL

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The Staff report was shared with Council.

Councilmember Geisler explained the Comprehensive Plan had to be in alignment with the City's Ordinances. Planner Harlicker reported this was the case.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 16-121 APPROVING AN AMENDMENT TO THE CITY'S COMPREHENSIVE LAND USE PLAN TO CHANGE THE LAND USE DESIGNATION FROM OFFICE, GENERAL COMMERCIAL AND MODERATE DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL BASED ON THE FOLLOWING:

1. THE PROPOSED COMPREHENSIVE LAND USE AMENDMENT IS COMPATIBLE WITH THE ADJACENT COMPREHENSIVE LAND USE DESIGNATIONS AND LAND USES.
2. THE PROPOSED COMPREHENSIVE LAND USE AMENDMENT WILL NOT HAVE AN ADVERSE IMPACT ON THE ADJACENT PROPERTIES.
3. THE PROPOSED COMPREHENSIVE LAND USE AMENDMENT IS CONSISTENT WITH THE COON RAPIDS BOULEVARD FRAMEWORK PLAN.
4. THE PROPOSED COMPREHENSIVE LAND USE AMENDMENT IS SUPPORTIVE OF THE COMPREHENSIVE LAND USE PLAN LAND USE CHAPTER AND HOUSING CHAPTER 'S GOALS FOR THE CITY, INCLUDING ELIMINATING UNDER UTILIZED AND OBSOLETE LAND USES, AND CREATING AND MAINTAINING A HIGH-QUALITY HOUSING ENVIRONMENT, AND A VARIETY OF HOUSING OPTIONS.

THE MOTION PASSED 5-2 (KLINT AND WELLS OPPOSED).

NEW BUSINESS

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7. CONSIDER INTRODUCTION OF ORDINANCE REVISING FEES FOR 2017

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The Staff report was shared with Council.

Councilmember Klint requested further information on the changes to the plumbing permit fees. Staff reviewed the changes in detail with the Council.

Mayor Koch considered the Ordinance revising the 2017 fee schedule to be introduced.

8. CONSIDER RESOLUTION NO. 17-7(8) ACCEPTING PLANS AND SPECIFICATIONS FOR 2017 WELL REHABILITATION, AND AUTHORIZING SOLICITATION OF BIDS

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT RESOLUTION NO. 17-7(8) ACCEPTING PLANS AND SPECIFICATIONS FOR 2017 WELL REHABILITATION, AND AUTHORIZE THE SOLICITATION OF BIDS. THE MOTION PASSED UNANIMOUSLY.

9. CONSIDER SALE OF \$10,000,000 GENERAL OBLIGATION BONDS, SERIES 2016A

The Staff report was shared with Council.

Nick Anhut with Ehlers & Associates, reported the City received very favorable results for the sale of \$10,000,000 in general obligation bonds to cover the City's recent parks, water and road improvement projects. He explained the City received eight bids on the bonds with an interest rate of 1.41% from FTN Financial. Due to the positive bid results, the bonding amount has been reduced to \$9,500,000. He recommended the Council award the sale of the bonds.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER DEMMER, TO RESOLUTION NO. 16-122 AWARDING THE SALE OF \$9,500,000 GENERAL OBLIGATION BONDS, SERIES 2016 A FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT. 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

None.

**OTHER BUSINESS**

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Councilmember Manning explained a memory seminar would be held at Faith Lutheran.

Mayor Koch indicated the River North Apartments would be having an Open House on Saturday.

City Clerk Lenzmeier discussed the upcoming General Election and encouraged residents to get out and vote through absentee voting at City Hall or at their local polling place on November 8<sup>th</sup>.

City Manager Stemwedel reported the Council would not be holding a worksession meeting next week due to the General Election.

**ADJOURN**

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**MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER WELLS,  
TO ADJOURN THE MEETING AT 8:22 P.M. THE MOTION PASSED UNANIMOUSLY.**

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Jerry Koch, Mayor

ATTEST:

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Joan Lenzmeier, City Clerk