

COON RAPIDS CITY COUNCIL MEETING MINUTES OF JANUARY 4, 2010

OPEN MIC/PUBLIC COMMENT

Jeri Ramberg, 806 108th Lane NW, expressed concern about the lack of lights at Cook Arena outdoor rink. She suggested that Cook Arena staff could activate the lights. When the arena is open, skaters would have a place to go to warm up. Ms. Ramberg stated Moor Park is seldom used because there is no warming house or lights.

Mayor Howe agreed Cook staff could be in charge of lighting the rink. Councilmember Sidoti agreed.

City Manager Fulton stated the reduction in lighting and warming houses was part of the overall budget cut backs.

Councilmember Sanders suggested Council revisit the policy for lighting outdoor rinks.

Mayor Howe asked staff to provide what the cost is to light the rinks and maintain warming houses.

Councilmember Klint recalled this discussion during budget review and, at that time, Council agreed to not reconsider the decision in response to resident concerns.

Councilmember Johnson called a point of order and indicated this discussion should take place under other circumstances.

Mayor Howe stated at a minimum he would like to see the Cook Arena staff activate the lights when the arena was open.

CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of January was called to order by Mayor Tim Howe at 7:12 p.m. on Tuesday, January 4, 2010, in the Council Chambers.

ROLL CALL

Members Present: Mayor Tim Howe, Councilmembers Denise Klint, Melissa Larson, Paul Johnson, Joe Sidoti, Bruce Sanders, and Scott Schulte

Members Absent: None

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ADOPT AGENDA

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT THE AGENDA ADDING ITEM 10C. THE MOTION PASSED UNANIMOUSLY.

2. A. CONSIDER RESOLUTION 10-1 DESIGNATING COUNCIL SECRETARY
 - B. CONSIDER DEFINITIONS AND EXPLANATIONS OF CITY COUNCIL ORDER OF BUSINESS
-

City Manager Fulton presented a memorandum to Council stating each year Council enters into an agreement for recording secretarial services for meeting minutes.

In 1994, Council entered into an agreement with TimeSaver Off Site Secretarial, Inc. (TOSS) for recoding and preparation of meeting minutes. This agreement has been extended annually.

TOSS has submitted an Addendum to the Recording Secretary Service Agreement for 2010. The fees reflect a zero percent increase over the 2009 rate.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION 10-1 DESIGNATING TIMESAVER OFF SITE SECRETARIAL, INC. AS COUNCIL SECRETARY FOR 2010 AND APPROVE THE ADDENDUM TO RECORDING SECRETARIAL SERVICES AGREEMENT. THE MOTION PASSED UNANIMOUSLY.

3. A. CONSIDER RESOLUTION 10-2 ESTABLISHING COUNCIL RULES OF PROCEDURE
 - B. CONSIDER DEFINITIONS AND EXPLANATIONS OF CITY COUNCIL ORDER OF BUSINESS
-

City Manager Fulton presented a memorandum to Council stating Council annually adopts Rules of Procedures setting forth the order of business for regular meetings, along with certain definitions and explanations. These documents have not been modified from last year's format with the exception of no longer including a preliminary agenda for the next council meeting.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION 10-2 ESTABLISHING COUNCIL RULES OF PROCEDURE.

Councilmember Sidoti asked staff to consider moving agenda items up when it is anticipated that many citizens were going to appear.

Councilmember Sanders noted item one under Open Mic was very important and Council needed to ensure it was enforced.

THE MOTION PASSED UNANIMOUSLY.

4. CONSIDER RESOLUTION 10-3 DESIGNATING OFFICIAL NEWSPAPER

City Manager Fulton presented a memorandum to Council stating each year Council designates the City's official legal newspaper.

The *Coon Rapids Herald* has submitted a proposal to serve as the City's legal newspaper for 2010. The *Herald* meets all requirements for this obligation.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION 10-3 DESIGNATING THE *COON RAPIDS HERALD* AS THE OFFICIAL NEWSPAPER FOR 2010. THE MOTION PASSED UNANIMOUSLY.

5. CONSIDER APPROVAL OF MINUTES:
- A. DECEMBER 15, 2009, CITY COUNCIL WORK SESSION
 - B. DECEMBER 15, 2009, CITY COUNCIL MEETING
 - C. DECEMBER 15, 2009, EXECUTIVE SESSION
-

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE MINUTES OF THE DECEMBER 15, 2009, COUNCIL WORK SESSION. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE MINUTES OF THE DECEMBER 15, 2009, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE MINUTES OF THE DECEMBER 15, 2009, EXECUTIVE SESSION MEETING. THE MOTION PASSED UNANIMOUSLY.

6. CONSENT AGENDA:
- A. CONSIDER RESOLUTION 10-4 APPOINTING CHIEF OF POLICE AND ONE OTHER VOTING MEMBER AS WELL AS AN ALTERNATE TO THE ANOKA COUNTY JOINT LAW ENFORCEMENT COUNCIL
 - B. CONSIDER RESOLUTION 10-5 APPOINTING A DELEGATE AND ALTERNATE TO ANOKA-HENNEPIN DISTRICT 11 ADVISORY COUNCIL
 - C. CONSIDER RESOLUTION 10-6 APPOINTING A DELEGATE AND ALTERNATE TO METRO CITIES
 - D. CONSIDER RESOLUTION 10-7 APPOINTING DELEGATE AND ALTERNATE TO LEAGUE OF MINNESOTA CITIES
 - E. CONSIDER RESOLUTION 10-10 APPOINTING TWO MEMBERS TO SCHWAN'S SUPER RINK JOINT BOARD

- F. CONSIDER RESOLUTION 10-11 APPOINTING REPRESENTATIVE AND ALTERNATE TO NORTHSTAR CORRIDOR DEVELOPMENT AUTHORITY
 - G. CONSIDER RESOLUTION 10-8 APPOINTING REPRESENTATIVE AND ALTERNATE TO LOCAL GOVERNMENT INFORMATION SYSTEMS (LOGIS)
 - H. CONSIDER RESOLUTION 10-19 APPOINTING TWO REPRESENTATIVES AND ALTERNATE TO COON RAPIDS YOUTH FIRST
 - I. CONSIDER RESOLUTION 10-22, APPOINTING A DELEGATE TO THE NORTH METRO CROSSING COALITION
 - J. CONSIDER RESOLUTION 10-23, APPOINTING A DELEGATE AND ALTERNATE TO THE TH10/169 CORRIDOR COALITION
 - K. APPROVE FINAL PAYMENT, STREET RECONSTRUCTION, PROJECT 09-1A
 - L. APPROVE 2009-2010 BELL CENTER CONTRACT FOR SCHOOL LIAISON AND PREVENTION PROGRAM OFFICER SERVICES WITH ANOKA-HENNEPIN SCHOOL DISTRICT NO. 11 (BELL CENTER)
 - M. ADOPT RESOLUTION 10-15 FOR SUPPORT OF STATEWIDE HEALTH IMPROVEMENT PROGRAM (SHIP) GRANT
 - N. 2009-2010 INSURANCE RENEWALS:
 - 1. AUTHORIZE PURCHASE OF INSURANCE THROUGH THE LMCIT
 - 2. MAIN STATUTORY LEGAL LIMITS
 - 3. OPT NOT TO PURCHASE SEWER BACKUP LIABILITY INSURANCE (DENIED)
-

Mayor Howe read through the appointments.

Councilmember Schulte noted on Resolutions 10-22 and 10-23 referred to year 2009 instead of 2010.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE CONSENT AGENDA.

Councilmember Klint inquired about item N3. Finance Director Legg summarized staff's recommendation and why staff was making the recommendation.

Councilmember Klint asked if this passed, would it be possible for the City to send letters out to previous residents who had backups so they know of this change. Finance Director Legg responded she was not sure if the City should do that or not as it might be assumed the City was taking on that liability. She indicated she would discuss this with the insurance broker.

Councilmember Sidoti asked how typical it was for homeowners to have this type of insurance. Finance Director Legg responded she understood this type of coverage was becoming much more common.

Councilmember Sidoti stated for the citizens who had used the City's insurance if they did not alert those residents he believed we would be doing a disservice.

City Manager Fulton stated he was not convinced this was a usual process for a homeowner to have sewer backup coverage. He suggested the City might want to consider buying an additional year of this insurance and then use 2010 to educate the residents of this possible change for next year.

Councilmember Klint stated she would like to know what cities have had this insurance in the past. She believed there were areas of the City that would be affected, and she wanted to ensure that all homeowners were educated.

Councilmember Johnson noted most of the cities listed were older communities. He liked the City Manager's suggestion about taking the insurance this year, educate the residents, and then possibly drop the insurance next year once Council had discussed it.

Mayor Howe asked staff to look into preexisting conditions for homeowners who have made claims in the past.

Finance Director Legg stated she did not believe this was the same homes that experienced this problem and she had done a lot of research on this, which she would provide to Council.

Councilmembers Schulte and Klint agreed to amend their motion to purchase the insurance for 2010.

THE MOTION PASSED UNANIMOUSLY.

7. OPEN MIC REPORTS

Mayor Howe provided a recap of the issues brought forward at the last Council meeting along with staff's response.

A. ALLAN WILLIAMS, 10744 YELLOW PINE STREET RE: RENTAL LICENSING

Community Development Director Nevinski presented a memorandum to Council stating at Open Mic on December 15, 2009 Allan Williams asked the Council why the form lease, which accompanies the rental licensing application, is kept by the City once the rental license has been issued.

The rental licensing code requires the form lease agreement to be maintained as part of each licensee's file so it can be referenced should an issue arise with the rental property. Council may choose to modify this requirement if it so wishes.

Councilmember Sanders recommended this issue be scheduled for a future work session discussion.

8. CONSIDER ADOPTION OF ORDINANCE DECREASING THE SETBACK FOR PERMANENT ON-PREMISES SIGNS ALONG HIGHWAYS 10, 47, AND 610 AND

LIMITING THE NUMBER OF TEMPORARY SIGNS

Community Development Specialist Brown presented a memorandum to Council stating the Council is asked to consider changes to City Code Section 11-2100 regarding setbacks for on-premises signs and the number of temporary signs permitted. The Board of Adjustments and Appeals considered this matter on December 3, 2009.

Staff recommends the following minor changes to City's sign regulations. The Board of Adjustments and Appeals recommended approval of these changes at its meeting on December 3, 2009.

Sign Setback along Highways 10, 610, and 47. Staff recommends modifying the Code to decrease the setback for freestanding signs along Highways 10, 610, and 47. Currently, Section 11-2108(1) requires signs along these highways to be located at least 50 feet from the right-of-way. In 2000, the commercial and office zoning regulations were changed to allow a 30 foot setback for buildings if a landscaped yard is maintained between the building and the roadway. Therefore, a building may be located closer to the right-of-way than a sign. In October 2009, Keller Williams Realty, located at 1740 116th Avenue, inquired about constructing a pole sign along Highway 10. Because the building is set back 30 feet from the property line and the parking lot is set back 20 feet, the business cannot display a freestanding sign along Highway 10. Based on recent aerial photos, it appears that several existing signs along Highway 10 are set back less than 50 feet. These permits were likely issued in error. Staff recommends eliminating Section 11-2108(1), which requires the 50-foot setback. The minimum setback in all other areas of the City—15 feet for pylon signs and 10 feet for monument signs—will then apply to areas along Highways 10, 610, and 47.

Number of Temporary Signs. In 2007, the Council adopted several changes to the sign regulations. One change involved limiting the size of portable signs to 12 square feet. The revised Code did not, however, limit the number of signs a business can display. While this "loophole" has generally not been abused, an excessive number of signs can become unsightly. Staff recommends modifying Section 11-2106(1) to limit the number of portable signs, banners, and other temporary signs to three per business under a single permit.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT THE ORDINANCE TO AMEND CITY CODE CHAPTER 11-2100, SIGN REGULATIONS, DECREASING THE REQUIRED SIGN SETBACK ALONG HIGHWAYS 10, 610, AND 47 AND LIMITING THE NUMBER OF TEMPORARY SIGNS TO THREE PER BUSINESS ACTIVITY. THE MOTION PASSED UNANIMOUSLY.

9. CONSIDER RESOLUTION 10-9 DESIGNATING DEPOSITORIES AND INVESTMENT COLLATERAL MANAGEMENT PROCEDURES

Manager of Accounting/Treasurer Vouk presented a memorandum to Council stating Chapter 118A of Minnesota Statutes sets forth the requirements for the deposit of public funds and the management

of collateral.

State Statutes allow the City Council to authorize the treasurer or chief financial officer to designate depositories for City funds and to manage the collateral for those funds. The resolution designates Wells Fargo Bank Minnesota, N.A. as the official depository and authorizes the Treasurer or Finance Director to designate additional depositories for investment purposes, approve wire transfer agreements with the depositories, and manage the collateral as prescribed by State Statute.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION 10-9 DESIGNATING DEPOSITORIES AND INVESTMENT COLLATERAL MANAGEMENT PROCEDURES. THE MOTION PASSED UNANIMOUSLY.

10. FENDLER PATTERSON CONSTRUCTION (COON RAPIDS SQUARE):

A. CONSIDER APPROVAL OF PRELIMINARY AND FINAL PLAT, COON RAPIDS BOULEVARD/111TH AVENUE, PC 09-24

Planner Harlicker presented a memorandum to Council stating Fendler Patterson is requesting approval of a preliminary and final plat of Coon Rapids Square. The applicant proposes to subdivide a 6.66 acre site into two lots. Lot 1 will be 2.55 acres and Lot 2 will be 4.11 acres. The site currently is comprised of two lots.

The applicant submitted this application on November 9, 2009. In order to comply with the 120-day consideration requirement, the City must make a decision by March 9, 2010.

The location of the proposed subdivision is Coon Rapids Square; Coon Rapids Boulevard and 111th Avenue.

The site currently consists of two lots. One lot has a restaurant and parking lot and the other lot has a mall and associated parking lot. The two lots are being redeveloped; the existing restaurant is being demolished, as is the west end cap of the mall. The west end cap is being replaced with a Goodwill store. The restaurant is not being replaced.

The applicant proposes to replat the site into two lots to accommodate the redevelopment plans. Lot 1 will include the new Goodwill store, some parking and a stormwater pond. Lot 2 will include the remainder of the existing mall and the parking lot. The size and dimensions of the two lots comply with the City's subdivision requirements.

At the Planning Commission meeting held on October 15th, no one spoke at the public hearing. The Commission unanimously recommended approval of the preliminary plat.

Councilmember Sanders asked if there were any setbacks. Planner Harlicker responded there were not.

Councilmember Sanders asked if the lot would be sellable or buildable as something other than what

was proposed. Planner Harlicker responded there were other areas in the City that had this type of a situation.

Councilmember Sanders asked if there was an exception for the setbacks. Planner Harlicker responded there were exceptions.

Councilmember Johnson stated he had concerns with item C. He stated the diagrams and photos appeared to have a nice building, but in the work session it was his understanding they would seek a termination with Goodwill that would not cost the City anything. He stated with item C it appears the City was losing rent as well as other items. He stated he was not sure if he was in favor of item C. Mayor Howe agreed.

City Attorney Hiljus summarized the background of the property.

Councilmember Johnson stated he was confused and did not know what the relocation costs were. He noted Goodwill was going to get six months free rent, and a consultant had to be paid to help with the relocation. He indicated Wellington had asked for a bridge loan, which would be paid back at an interest rate that would allow Wellington to remodel the building. He stated if the City did nothing, Wellington would need to get Goodwill into the building and he did not mind having the City collect Goodwill's rent instead. He noted the City did not need the entire site right now and he wanted more firm costs.

Councilmember Klint stated these were the same types of questions the Council had before on relocation costs. She stated having gone through this process before she was okay with these costs. She indicated she did not know how to resolve the rent payment though.

City Attorney Hiljus summarized what the City and Goodwill currently paid for at the present time.

Councilmember Sidoti stated he did not mind forgiving the rent, but since the City was maintaining the property, he believed it would be fair to forgive January forward rent but not reimburse October through December in lieu of all moving and relocation expenses.

Councilmember Sanders agreed with Councilmember Sidoti. He stated he did not see any reason to reimburse Goodwill for the rent already paid.

City Attorney Hiljus stated he would need to discuss this with the Goodwill's attorney and amend the document.

Councilmember Schulte stated he liked Goodwill and wanted them to stay in the City, but relocation costs were not meant to be a financial gain to a business. He stated he would rather pay them \$365,000 instead of forgiving the rent. He noted this was a lot of money to relocate a business when the City was helping Goodwill secure a new location.

Mayor Howe asked if the City could pay a lump sum. City Attorney Hiljus responded the City could pay a lump sum but still collect rent. He said he did not believe that Goodwill would have a problem

with that.

City Attorney Hiljus noted it would not be possible to take down the Target building in pieces. He did not believe long-term that Goodwill would be able to stay where they were.

City Manager Fulton noted if the Council wanted to proceed with the southeast corner, it would be necessary to take down the site.

Councilmember Johnson asked if Wellington was going to build a building regardless if the bridge loan was approved. He noted the City was giving up everything and was not sure what the City was getting back.

Councilmember Schulte noted the City was getting the termination of a long-term lease, which if this was taken to court, Goodwill would get a lot of money as well as the City getting the property back and keeping Goodwill in town, who would be paying property taxes.

Mayor Howe asked if the City could do A and B and give direction that rent continued to be paid, but renegotiate the lump sum payment. City Attorney Hiljus stated he would talk to the other attorneys regarding this. He stated he did not believe it would be a problem to modify the terms.

Mayor Howe stated he was in favor of A and B, but item C should probably be a separate item.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, TO APPROVE THE PRELIMINARY AND FINAL PLAT IN PLANNING CASE 09-24 FOR COON RAPIDS SQUARE BASED ON THE FINDINGS THAT THE PROPOSED PLAT COMPLIES WITH SECTIONS 11-2223 AND 11-2224, AND THE LOT DIMENSIONS MEET CITY REQUIREMENTS, WITH THE FOLLOWING CONDITIONS:

1. COMPLIANCE WITH TITLE 11, CITY CODE OF COON RAPIDS.
2. ALL COMMENTS FROM ANOKA COUNTY MUST BE ADDRESSED.
3. ALL COMMENTS FROM THE CITY ENGINEER MUST BE ADDRESSED.

THE MOTION PASSED UNANIMOUSLY.

- B. CONSIDER APPROVAL OF SITE PLAN FOR GOODWILL STORE, 3005 COON RAPIDS BOULEVARD, PC 09-25
-

Planner Harlicker presented a memorandum to Council stating Fendler Patterson Construction, representing Goodwill, is requesting site plan approval to redevelop a portion of Coon Rapids Square for a 22,229 square foot building.

The applicant submitted this application on November 9, 2009. In order to comply with the requirements of Minnesota Statute §15.99, the 60-day review period for the site plan has been extended to March 9, 2010.

The location of the store is Coon Rapids Square; Coon Rapids Boulevard and 111th Avenue.

The applicant is proposing to demolish the existing west end cap of Coon Rapids Square and the existing restaurant in front of the mall. The total amount of space that will be removed is 15,169 square feet. The applicant is proposing to construct a 22,229 square foot Goodwill store. The proposed store will have a drop off area on the west side and a loading bay in the rear. The existing parking area will be repaved and reconfigured for better traffic flow. The existing access from Coon Rapids Boulevard is not changing. There is a full access at the signalized intersection with 111th Avenue and a right in/right out at the west end of the mall. A stormwater pond will be added in the front along Coon Rapids Boulevard. The existing mall will undergo some exterior improvements to increase compatibility between the remaining portion of the mall and the new Goodwill store.

The exterior elevations comply with the design criteria of the PORT and Overlay Districts. The exterior is a mix of brick, rock faced block and EIFS. The building has raised parapets and pilasters around the main entrance, the corners and on the east and west sides. The applicant has provided windows along the east façade, facing the mall, as a means of tying in the new building with the existing mall.

To improve compatibility between the new building and the existing mall the applicant is proposing the following improvements to the existing mall:

- Paint the curved blue canopy terra cotta red
- Paint the concrete columns earth tone to match the Goodwill building
- Paint the existing sign band to match Goodwill
- Add a parapet, EIFS and brick columns over the main entrance on the south elevation to match Goodwill
- Add EIFS on the entrance over the interior corner space to match Goodwill.
- On the east end cap, add brick around entrance, between windows and bump outs to match Goodwill; paint remaining block to match Goodwill

At the Planning Commission meeting held on December 10th, no one spoke at the public hearing. The Commission discussed the following issues:

Corner entrance

The entrance to the Goodwill store faces towards Coon Rapids Boulevard, away from the rest of the mall. To create more of a connection between the new store and the existing mall, staff recommended that a corner entrance be incorporated that would face both the existing mall and Coon Rapids Boulevard. The Commission believed that the windows proposed along the mall side of the Goodwill store provided sufficient connection and preferred that the entrance fully face Coon Rapids Boulevard as proposed by the applicant.

Improvements to existing mall

The Commission discussed the proposed improvements to the existing mall. The proposed improvements will pull elements, materials and colors used in the Goodwill store into an upgrade of the existing mall. The phasing of the improvements was a concern. The improvements to the main section of the mall will be completed as part of the construction of the Goodwill store. The applicant proposed to complete the improvements to the east end cap later. They were concerned that a future tenant might want to make changes to the exterior. Following discussion with the applicant, the Commission recommended that the east end cap improvements be completed when the tenant space is leased and they will match the Goodwill store. A Certificate of Occupancy will not be issued for that space until the improvements are completed.

Entrance to the drop off area

The entrance to the drop off area has a garage door that faces Coon Rapids Boulevard. The door is approximately 220 feet from the street right-of-way. The River Rapids Overlay District does not allow garage doors to face Coon Rapids Boulevard. In order to offset any impact the door may have on the aesthetics along the Boulevard, the Commission recommended that the door have architectural features that are consistent with the building and that the door be approved by Council.

Parking and access

The Commission discussed the need to provide an easement for a future connection to the east when that property redevelops. They also noted that there is enough parking on the Goodwill lot to meet the parking needs of that store. The parking lot will be shared by the other tenants in the mall and Goodwill. Shared parking and access easements between the two lots will be in place.

Design flexibility

The Commission discussed the use of Design Flexibility with respect to the maximum building square footage and floor to area ratio (FAR). The Commission stated that in general, the use of design flexibility should include a “give and take” between the city and a developer. The city grants design flexibility to a specific criteria and the developer provides enhancements to the project, resulting in an overall better project.

It should also be noted the Code also allows for flexibility if variations from the code will better integrate uses or respond to site conditions. In this case, the improvements to the existing mall offset the design flexibility applied to the FAR and maximum building square footage. The requirement for an architectural garage door mitigates the impact of the door facing the Boulevard.

The Planning Commission voted unanimously to recommend approval of the site plan.

Councilmember Klint expressed concern about the garage door being open all of the time.

Planner Harlicker stated the garage doors were picked because of the style of the windows and the

colors would match the rest of the building.

Councilmember Schulte stated he had a concern about the group of townhomes directly behind this site and now there was no traffic behind the building. He noted there would be more car traffic. He stated when the landscaping buffer was inventoried, if there was not sufficient landscaping, he wanted more landscaping added.

Mayor Howe stated there was also the issue of headlights.

Councilmember Johnson asked what would prevent a vehicle from doing a U turn instead of proceeding forward. Planner Harlicker responded there would be signage put up, but it was wide enough for two-way traffic.

Councilmember Klint stated if the garage door was not allowed in the zoning, how would this be fixed. Planner Harlicker responded some design flexibility was built in.

John Patterson, applicant, stated the doors on the donation drop off center were fully automated, so they would not be left open.

Councilmember Johnson stated he liked the automatic doors but asked about traffic stack up. He stated if the garage door would be put to an angle wouldn't they have accomplished the same thing. Mr. Patterson responded they had tried to do angled donation centers previously, but it made for very difficult vehicle control.

Councilmember Klint asked if there were problems with people dropping off items after hours. Mr. Patterson responded there would be motion sensor lights put in and there was also a 24-hour drop off service, so items would be picked up that same day.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER SANDERS, TO APPROVE THE SITE PLAN IN PLANNING CASE 09-25 TO RECONSTRUCT A STORE ON THE WEST END OF COON RAPIDS SQUARE WITH THE FOLLOWING CONDITIONS:

- 1. A CROSS ACCESS EASEMENT MUST BE PROVIDED OVER THE EXISTING RIGHT IN/RIGHT OUT ACCESS AND OVER THE WEST PROPERTY LINE AT A LOCATION THAT ALIGNS WITH THE DRIVE AISLE IN FRONT OF THE GOODWILL STORE, ALSO ON THE EAST PROPERTY LINE AT A LOCATION THAT ALIGNS WITH THE DRIVE AISLE IN FRONT OF THE EAST END CAP.**
- 2. DOCUMENTATION IS NEEDED ON EXISTING EVERGREENS, OVERSTORY AND ORNAMENTAL TREES.**
- 3. ADDITIONAL SIX OVERSTORY TREES ARE NEEDED ALONG COON RAPIDS BOULEVARD. TREES PLANTED ON CITY PROPERTY WILL BE MAINTAINED AND REPLACED IF NECESSARY BY THE APPLICANT FOR ONE YEAR AFTER PLANTING.**
- 4. FOUNDATION PLANTINGS ARE NEEDED AROUND THE GOODWILL STORE AND WILL BE IRRIGATED.**

5. PEDESTRIAN SCALED LIGHTING BE PROVIDED ALONG THE SIDEWALK INTO THE SITE.
6. A 20 FOOT DRIVE AISLE MUST BE MAINTAINED AROUND THE REAR AND WEST SIDE OF THE GOODWILL BUILDING.
7. THE IMPROVEMENTS TO THE EXISTING MALL TO BE CONSTRUCTED AS SHOWN ON THE BUILDING ELEVATION PLAN REVISED 11-19-09. THE EAST END CAP IMPROVEMENTS WILL BE COMPLETED WHEN THE TENANT SPACE IS LEASED AND WILL MATCH THE GOODWILL STORE.
8. AN OUTDOOR SEATING AREA AND BIKE RACK ARE REQUIRED.
9. CROSS ACCESS AND PARKING EASEMENTS ARE REQUIRED BETWEEN LOT 1 AND LOT 2.
10. THE DUMPSTER ENCLOSURE MUST BE PAINTED TO MATCH THE GOODWILL STORE.
11. A DECORATIVE DOOR WILL BE INSTALLED ON THE SOUTH ENTRANCE OF THE DROP OFF AREA. THE DESIGN WILL BE PROVIDED FOR THE CITY COUNCIL MEETING ON JANUARY 4, 2010

THE MOTION PASSED UNANIMOUSLY.

Steve Wellington, Wellington, stated timing was very important. He noted they did not own the restaurant site yet. He stated he did not know if they were going to be able to keep the site under contract if they could not build the Goodwill. He encouraged Council to move as quickly as possible.

City Manager Fulton recommended Council approve the agreement conditioned on the City Attorney negotiating the changes in rent and lump sum payments.

C. APPROVE LEASE TERMINATION AGREEMENT, SETTLEMENT AGREEMENT, AND RELOCATION ASSISTANCE WAIVER AND RELEASE

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO APPROVE THE LEASE TERMINATION AGREEMENT, SETTLEMENT AGREEMENT, AND RELOCATION ASSISTANCE WAIVER AND RELEASE WITH THE STATED TERMS LUMP SUM PAYMENT WITH SIX MONTHS RENT FOR A TOTAL OF \$305,600 AND THE TERMS OF THE LEASE REGARDING RENT WOULD REMAIN IN EFFECT UNTIL GOODWILL EXITS THE BUILDING.

City Manager Fulton recommended the July date remain in the agreement.

MOTION PASSED UNANIMOUSLY.

11. OTHER COUNCIL BUSINESS
 - A. ESTABLISH 2010 COUNCIL MEETING CALENDAR
-

City Manager Fulton presented a memorandum to Council stating Council is asked to schedule Council work sessions for January 12, January 22-23, and January 26, 2010.

**B. PLANNING COMMISSION BOARD OF ADJUSTMENT AND APPEALS
INTERVIEWS AND VACANCIES**

Mayor Howe asked if Council wanted to interview all members or just the upcoming vacancies and did the Council want to do this as an entire group. Council consensus was to meet with only the upcoming vacancies and up to five new applicants and conduct the interviews as an entire group.

12. ADJOURN

**MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI,
TO ADJOURN THE MEETING AT 9:00 P.M. THE MOTION PASSED UNANIMOUSLY.**

Tim Howe, Mayor

ATTEST:

Joan A. Anderson, City Clerk