

COON RAPIDS CITY COUNCIL MEETING MINUTES OF MARCH 2, 2010

OPEN MIC/PUBLIC COMMENT

Jerry Pierce, 12236 Partridge Street NW, stated Amcon admits they do not have union agreements. He stated Councilmembers talk about prevailing wage but Mr. Pierce thinks several members want non-union labor to build the City's projects. He suggested there are many local firms that are qualified for the projects. He questioned the selection criteria and interview questions, and Amcon's experience in building ice arenas and club houses. Mr. Pierce again commented on the City Hall construction process.

Joyce Clark, 12335 Yucca Street NW, requested Council consider letting Thor Construction of Fridley, a construction management company, bid on the City's upcoming projects. She stated they have sent company information to the City.

CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of March was called to order by Mayor Tim Howe at 7:10 p.m. on Tuesday, March 2, 2010, in the Council Chambers.

ROLL CALL

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

Members Absent:

Council

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ADOPT AGENDA

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

2. CONSIDER RESOLUTION 10-33 TO ACCEPT THE DONATIONS OF MONIES FROM THE COON RAPIDS FIRE DEPARTMENT FOR THE 2010 FIREWORKS

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SCHULTE, TO ADOPT RESOLUTION 10-33 ACCEPTING THE \$5,000 DONATION OF FUNDS FROM THE COON RAPIDS FIRE DEPARTMENT RELIEF ASSOCIATION FOR THE 2010 FIREWORKS.

Mayor Howe thanked the Fire Department on behalf of the Council and the entire City for the generous donation. He explained the funds would be used for the City's celebration on July 4th.

THE MOTION PASSED UNANIMOUSLY.

3. CONSIDER APPROVAL OF MINUTES:
 - A. FEBRUARY 16, 2010, COUNCIL MEETING
 - B. FEBRUARY 23, 2010, WORK SESSION
-

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, FOR APPROVAL OF THE MINUTES OF THE FEBRUARY 16, 2010 COUNCIL MEETING. THE MOTION PASSED 5-0-1, COUNCILMEMBER SANDERS ABSTAINED.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE MINUTES OF THE FEBRUARY 23, 2010 WORK SESSION MEETING.

Councilmember Johnson said he was not present at the work session meeting on February 23 and that should be noted for the record.

THE MOTION PASSED AS AMENDED 5-0-1, COUNCILMEMBER JOHNSON ABSTAINED.

4. CONSENT AGENDA:
 - A. CONSIDER RESOLUTION 10-37 ADOPTING THE AMENDED JOINT POWERS AGREEMENT WITH NORTH METRO MAYORS ASSOCIATION (PURCHASING PROGRAM)
 - B. AUTHORIZE FINAL PAYMENT FOR PROJECT 08-10, BITUMINOUS PATCHING
 - C. AUTHORIZE FINAL PAYMENT FOR PROJECT 08-14, WATER METER REPLACEMENT
 - D. AUTHORIZE FINAL PAYMENT FOR PROJECT 09-3, SANITARY SEWER LIFT STATION NO. 7
 - E. INFORMATIONAL ITEM:
 1. NOTIFICATION OF OFFICER CHANGE AT COSTCO WHOLESALE CORPORATION
-

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED.

Councilmember Schulte raised a question regarding Item 4C. He asked how the water meter expense came in \$572,000 under budget. Finance Director Legg explained that Public Works staff was able to do much of the work which avoided expensing all work to Northern Waterworks Supply.

THE MOTION PASSED UNANIMOUSLY.

5. OPEN MIC REPORTS
-

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

A. KRIS OLSON, 649 SAND CREEK DRIVE RE: CHARTER COMMISSION APPOINTMENTS AND TELEVISION OPEN MIC

Mr. Kris Olson, 649 Sand Creek Drive, appeared at the City Council's Open Mic on February 16, 2010. Mr. Olson wanted to know the process for being appointed to the Coon Rapids Charter Commission and requested that the City Council hold a work session to discuss televising the Open Mic.

Mayor Howe explained the City's Charter Commission is required to have a minimum of 7 and a maximum of 15 members. The Commission currently has 11 members. The process for appointment to the Charter Commission is found in Minnesota Statutes §410.05. Appointments to the Charter Commission are made by the Chief Judge of the judicial district in which the City is located. The current Chief Judge of the 10th Judicial District is Judge Timothy Bloomquist, who is chambered in Kanabec County. Under State statute, the City Council or Charter Commission (or charter petitioners) may submit to the court names of eligible nominees for the court's consideration.

The Charter Commission's annual meeting is scheduled for March 8, 2010. One of the items on the Commission's agenda is to discuss the appointment process and whether the Commission wishes to recommend appointments to the Chief Judge. The City Council will also be asked their wishes in this regard. Filling the four openings is not mandatory since the Commission currently meets the member requirements of State statute and the City Charter. If the City Council and Charter Commission feel it is necessary to fill the four openings then it may be necessary to conduct interviews for those positions. There are currently 16 applicants for the four openings. Historically, the City Council has made recommendations to the Chief Judge.

On February 22, 2010, City staff received a call from Chief Judge Bloomquist's law clerk, Heather Robertson. Ms. Robertson stated that a citizen from Coon Rapids had attempted to contact Judge Bloomquist about being appointed to the Commission. Ms. Robertson stated that Judge Bloomquist's preference was for the City Council and the Charter Commission to agree on whether or not further appointments would be made and on a process for making recommendations to the Chief Judge. Judge Bloomquist preferred not to be contacted by individual applicants.

At the February 16, 2010 Council meeting, Mayor Howe asked the Councilmembers to let him know if any of them wished to re-address whether or not to televise Open Mic. City staff is not aware of any requests by the City Council to re-address this issue. It continues to be staff's legal opinion that televising Open Mic is not legally required and that it does not implicate Federal or State constitutional rights. There is no requirement in State or Federal law that requires an elected body to provide an Open Mic portion of a meeting, nor is there a requirement that a meeting itself be televised. The official record of a City Council meeting is the approved minutes of the meeting.

The decision whether or not to televise the Open Mic is within the discretion of the City Council.

Mayor Howe questioned if the Council was in favor of readdressing the Open Mic televising issue within a work session.

Councilmember Schulte noted he has received several email comments from residents and would like to further discuss the issue at a work session meeting. He suggested staff place this item on a future agenda when time permits.

**B. JERRY PIERCE, 12236 PARTRIDGE STREET NW RE: CONSTRUCTION
MANAGER PROCESS**

Jerry Pierce, 12236 Partridge Street NW, appeared at the February 16, 2010, Council meeting. Mr. Pierce had comments regarding the construction manager selection process for the Golf Course and Ice Arena.

Mr. Pierce appeared at Open Mic on February 16, 2010. He presented his opinions regarding the construction manager selection process. Most of Mr. Pierce's comments were his opinions and responses are not necessary. However, he has repeatedly made comments regarding Amcon Construction Management LLC affiliation with unions.

Staff has asked Amcon to provide some comments regarding their relationship with local trade unions. A response from Amcon regarding their position with unions was read aloud for the record by Mayor Howe. He explained a corporate resolution was passed in 1998 stating that Amcon will hire only contractors and subcontractors that employ union workers for all onsite construction trades for private sector work. However, on public projects, Amcon is not allowed to exclude non-union employers due to Minnesota State law.

6. COON RAPIDS BOULEVARD AND 111TH AVENUE NW VACATION, COON RAPIDS BOULEVARD LLC AND WILLIAM AND JOAN HARGIS:
 - A. PUBLIC HEARING, 7:00 P.M.
 - B. CONSIDER RESOLUTION 10-34 VACATING DRAINAGE AND UTILITY EASEMENTS
-

City Attorney Hiljus presented a memorandum to Council stating on February 3, 2010, Council accepted a petition requesting the vacation of drainage and utility easements submitted by Coon Rapids Boulevard LLC and William and Joan Hargis for property located at Coon Rapids Boulevard and 111th Avenue NW and ordered a public hearing.

The City has approved a final plat, Coon Rapids Square, which plat replaces the metes and bounds legal description of the property. As Council is aware, the western-most portion (previously Old Country Buffet) of Coon Rapids Square shopping center is being demolished and a new building on

the same site will be starting construction soon. Because of the reconstruction and relocation of the building, the utilities need to be relocated along with relocating the drainage of the property. Part of the process is vacating the blanket drainage and utility easements as they now exist and dedicating new easements for drainage and utilities around the new building footprint.

Platting over an easement does not remove the easement from the property title. Only vacating an easement will remove it from the title and remove any possibility of clouding the title. The process for vacating an easement under the City's charter requires a public hearing and passage of a resolution.

The Notice of Public Hearing has been published and posted in accordance with City Code.

Mayor Howe opened and closed the public hearing at 7:28 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION NO. 10-34 VACATING THE DRAINAGE AND UTILITY EASEMENTS OVER A PORTION OF LOTS 4 AND 5, AUDITOR'S SUBDIVISION NO. 74 AND THE UNNUMBERED LOT LYING BETWEEN LOTS 3 AND 4, AUDITOR'S SUBDIVISION NO. 74. THE MOTION PASSED UNANIMOUSLY.

7. CONSIDER ADOPTION OF ORDINANCE AMENDING CITY CODE; REPEALING CHAPTER 13-100, PRIVATE WELLS AND AUTHORIZING CHIEF BUILDING OFFICIAL TO ISSUE CITATIONS

A memorandum was presented from Chief Building Official Whitney stating at its meeting of February 16, 2010, Council introduced an ordinance to repeal Chapter 13-100, Private Wells.

City Code Chapter 13-100 contains provisions for local regulation of private wells and authorization for the Chief Building Official to issue citations for all of Title 13. By statute, the Minnesota Department of Health has full authority to regulate well construction, repair, and sealing. The language in Chapter 13-100 is outdated and should be repealed. However, by repealing Chapter 13-100, the Chief Building Official would lose authorization to issue citations for the entire Title 13. As the intent of the ordinance is not affected, staff has added an additional section to the ordinance revising Chapter 13-200 to include the language authorizing the Chief Building Official to issue citations for Title 13.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT AN ORDINANCE REPEALING CHAPTER 13-100, PRIVATE WELLS, IN ITS ENTIRETY AS WELL AS ADDING AUTHORIZATION FOR THE CHIEF BUILDING OFFICIAL TO ISSUE CITATIONS FOR TITLE 13 TO CHAPTER 13-200.

Mayor Howe noted the change from first reading was to allow City officials to issue citations.

THE MOTION PASSED UNANIMOUSLY.

8. CONTRACT FOR WEED ABATEMENT SERVICES:
 - A. REMOVE FROM TABLE
 - B. CONSIDER APPROVAL OF CONTRACT FOR WEED ABATEMENT SERVICES
-

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO REMOVE FROM THE TABLE THE CONTRACT FOR WEED ABATEMENTS SERVICES. THE MOTION PASSED UNANIMOUSLY.

Neighborhood Coordinator DeGrande presented a memorandum to Council stating at the February 16, 2010, meeting Council considered a contract with Passau, Inc. for weed abatement services. Council postponed consideration of the contract because of questions that had been raised in the 2009 special assessment process for weed abatements. This memo attempts to address those questions.

The weed abatement contract is anticipated to be well under the monetary threshold that could be signed by the City Manager. However, given the issues raised by the Council, staff placed the item on the Council agenda for February 16 so that Council was aware of the contract. The request for quotations and contractor proposal that were included as a contract condition were not included in the Council packets last time since historically Council packets have not included this backup documentation. All of the supporting documents are included in this Council packet. The term "contract" means all of the contract documents as listed in the agreement.

A request for quotations was sent out to 19 mowing contractors, 11 of which submitted their proposals for consideration, and six were selected to be interviewed. All of the Coon Rapids contractors who responded were chosen to interview with the exception of one who had a conflict of interest and another who has had recent substantial (exterior) code enforcement issues at his home.

Staff considered each contractor's level of experience, capacity to respond in a timely manner, lead times for each mow, professionalism, methods of record keeping and invoicing, and overall level of service. Based on these criteria, staff proposes hiring Passau, Inc. Passau, Inc. has been in business since 1992 and has worked with the cities of Fridley and Columbia Heights for their weed abatement services. They have established their own, separate crew that deals solely with abatement requests. Their references came in very strong, and they presented themselves extremely well and professionally during the interview. As a normal business practice, they always take "before" and "after" photos at each of the properties they abate. These photos are available to us upon request and can be used in an appeal. Passau was not the least expensive quote submitted, but their rates are less than the current contractor. Staff feels confident that selecting this contractor will minimize the staff time required to administer the weed abatement program and streamline the appeals process.

with their system of invoicing, recordkeeping, and photos.

The weed abatement services contract and fees paid out to the contractor are fully recouped from those assessments placed on the properties which had been abated. It was anticipated in the request for quotations that approximately 65 properties would need to be abated per month during growing season. The actual costs depend on multiple factors.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER SANDERS, TO AUTHORIZE THE CONTRACT FOR WEED ABATEMENT SERVICES TO PASSAU, INC., INCLUDING THE FIRST ADDENDUM TO CONTRACT.

Councilmember Sidoti thanked staff for answering their questions in detail and addressing Council's concerns presented at the last meeting.

Councilmember Schulte was satisfied with the contract and information provided by staff. He encouraged additional qualified contractors to apply in the future.

THE MOTION PASSED UNANIMOUSLY.

9. CONSIDER RESOLUTION ACCEPTING PETITION FOR PUBLIC IMPROVEMENTS AND ORDER PREPARATION OF FEASIBILITY REPORT, CRESCENT PONDS 5TH ADDITION, SOUTH OF MAIN STREET AND WEST OF UNIVERSITY AVENUE, PROJECT 10-13

A memorandum was presented from City Engineer Vierzba stating Signature Ventures, LLC has submitted a petition for extension of public improvements to serve a portion of the Crescent Ponds development. Council is requested to accept the petition and order preparation of a feasibility report.

The first phase of public improvements was installed in 2009 to serve 18 lots of the total 80-lot plat. The developer has decided to begin the process for a second phase of public improvements at this time so that the actual construction would be ready for this summer if the developer wishes to move forward. The proposed second phase would provide public improvements to serve another 27 lots located along the westerly and southerly part of the development. That would leave 35 lots for future phases. The next step in the project process is preparation of a feasibility report.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT RESOLUTION 10-13(2) ORDERING PREPARATION OF FEASIBILITY REPORT FOR CRESCENT PONDS 5TH ADDITION, SOUTH OF MAIN STREET AND WEST OF UNIVERSITY AVENUE.

Mayor Howe questioned if the signage concerns have been addressed. He requested that staff follow up with the applicant to clarify the City's sign ordinances. Community Development Director

Nevinski stated staff would follow up on the issue.

THE MOTION PASSED UNANIMOUSLY.

10. CONSIDER RESOLUTION 10-35-2010(1) MISCELLANEOUS ASSESSMENTS DECLARING THE COST TO BE ASSESSED, ORDERING PREPARATION OF THE PROPOSED ASSESSMENT ROLL, AND ORDERING THE PUBLIC HEARING FOR MARCH 23, 2010 ON THE PROPOSED ASSESSMENT ROLL

Finance Director Legg presented a memorandum to Council stating a date for a public hearing should be set to consider miscellaneous assessments to be certified to the County for collection with the 2011 property taxes.

In the past, the City Council would hear assessment appeals at the assessment hearing. Due to the volume of code enforcement violations, caused in part by the current home foreclosure rate, City Council directed staff to revise the process to improve the method for reviewing and considering any appeals to the miscellaneous assessment rolls.

The proposed process, in addition to preserving the appellant's rights, provides a more focused opportunity to review the issues involved with each case. The new process will provide for a hearing before the existing Board of Adjustment and Appeals prior to the City Council taking action on the assessments. The City Council will still set and hold a public hearing as required by State Statutes. However, at that hearing the City Council should refer appellants to the Board of Adjustment and Appeals to receive written or verbal testimony prior to the Board's recommendation to City Council. On March 23, the City Council may, however, adopt assessments which have not been appealed.

The Board of Adjustment and Appeals is expected to hear appeals on April 1 and provide their recommendation at the April 20 Council meeting. The required mailed notice to the property owner will describe the appeal process.

These assessments include services provided to taxpayers, in most cases code enforcement violations which occurred in 2009. The terms of repayment are determined by the amount being assessed. The proposed assessments are categorized by the number of years to be assessed and the interest rate recommended. Amounts up to \$1,500 will be payable in one year, whereas amounts up to \$5,000 will be three years.

Miscellaneous Assessment Roll No. 1		
	Number of Years & Interest Rate	
Assessment Description	1 Year (1.60%)	3 Years (2.30%)
Mowing & Weed Abatements	88	12
Excessive Consumption charges	123	20
Vehicle Towing	1	
Removal & disposal abatements	15	13

Securing vacant properties	12	5
Vacant property monitoring fees	56	10
Utility bankruptcies	7	1
Citation Fees	21	11
Amount of unpaid invoices	\$90,314.92	\$33,243.82
Administrative fee (\$30)	\$9,690.00	\$2,160.00
AMOUNT TO BE ASSESSED	\$100,004.92	\$35,403.82

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION 10-35-2010(1) MISCELLANEOUS ASSESSMENTS DECLARING THE COST TO BE ASSESSED, ORDERING PREPARATION OF THE PROPOSED ASSESSMENT ROLL AND ORDERING THE PUBLIC HEARING FOR MARCH 23, 2010, ON THE PROPOSED ASSESSMENT ROLL.

Mayor Howe thanked the members of the Board of Adjustment and Appeals for addressing the residents' assessment concerns.

THE MOTION PASSED UNANIMOUSLY.

11. CONSIDER RESOLUTION 10-36 REVISING RENTAL LICENSING INVESTIGATION AND INSPECTION FEES

Neighborhood Coordinator DeGrande presented a memorandum to Council stating Council is asked to consider a resolution to revise certain fees for rental licensing which better reflect the cost of time spent for background checks and property inspections.

Neighborhood Reinvestment and Police staff met to discuss the fees charged for various components of rental licensing. It was found the \$110 rate currently charged for 'Background Investigation Fees' should be reduced to \$45 to more accurately reflect the staff time required to pull together this information. Additionally, the 'Periodic Inspection Fee – Initial Inspection' of \$50 will now include a follow up inspection at no additional cost, no longer creating a need for the 'First Re-inspection' which does not directly relate to how our inspections are identified and is confusing. And lastly, 'Each Additional Re-inspection' will be charged \$100 per building with no additional cost per unit.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION 10-36 REVISING RENTAL LICENSING INVESTIGATION AND INSPECTION FEES.

Mayor Howe requested further information on the resolution revisions. Neighborhood Coordinator DeGrande explained the rental license ordinance was reviewed and staff found the background investigation fees were too high.

Mayor Howe questioned when the new fees would take effect. City Attorney Hiljus indicated with a resolution the fees could be effective immediately.

Mayor Howe indicated he received an email from a resident thanking the City for reducing the rental fees in light of the depressed housing market.

Councilmember Schulte explained further that the rental fees were reduced after staff assessed the fees and found them to be too high based on the time required for the licensing process.

THE MOTION PASSED UNANIMOUSLY.

12. OTHER COUNCIL BUSINESS:
- A. PROPOSED 2010 STORM WATER DRAINAGE RATE INCREASE
 - B. PROPOSED 2010 SEWER RATE INCREASE
 - C. PROPOSED 2010 WATER RATE INCREASE
 - D. SCHEDULE COUNCIL WORK SESSIONS/MEETINGS
-

Finance Director Legg presented memorandums to Council recommending that Council consider increasing the sewer and water rates at the March 23, 2010, City Council meeting. In addition, staff recommends storm water drainage rates be increased by five percent.

Mayor Howe requested Council review this information and speak with City staff to address any comments or concerns prior to the next meeting.

City Manager Fulton presented a memorandum to Council seeking direction to schedule upcoming Council work sessions and meetings.

Mayor Howe asked for further comments from Council regarding the proposed work sessions and meetings.

Councilmember Schulte indicated he would not be available April 27, and requested the date be changed if possible. Council agreed to change that session to April 28 and concurred with the remainder of the schedule.

Councilmember Schulte questioned if the Council would be in favor of meeting until 10:30 p.m. on some nights to avoid the need to meet each Tuesday for the next several months. Mayor Howe suggested this be discussed further at a future work session meeting.

City Manager Fulton noted this would be Police Chief Steve Wells last City Council meeting, as he will soon be retiring after a long career with the City of Coon Rapids. He thanked Chief Wells for his service to the community. The Council offered Chief Wells a round of applause.

13. ADJOURN

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, TO ADJOURN THE MEETING AT 7:45 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Joan A. Anderson, City Clerk