

## COON RAPIDS CITY COUNCIL MEETING MINUTES OF MAY 4, 2010

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### OPEN MIC/PUBLIC COMMENT

No one appeared.

### CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of May was called to order by Mayor Tim Howe at 7:02 p.m. on Tuesday, May 4, 2010, in the Council Chambers.

### ROLL CALL

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

Members Absent: None.

### PLEDGE OF ALLEGIANCE TO THE FLAG

#### 1. ADOPT AGENDA

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

#### 2. PROCLAMATION FOR POPPY DAYS

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Mayor Howe read a proclamation declaring May 14 through May 15, 2010, to be Poppy Days and encouraged all residents of Coon Rapids to contribute and wear a poppy to honor the men and women that serve our country.

LaVonne Hayes, Coon Rapids VFW, presented the Mayor and Council with a poppy. She explained the poppies were handmade by veterans and served as a great memorial to those that serve and have served this country.

- #### 3. CONSIDER APPROVAL OF MINUTES:
- A. APRIL 13, 2010, WORK SESSION
  - B. APRIL 20, 2010, REGULAR COUNCIL MEETING
  - C. APRIL 28, 2010, WORK SESSION
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MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE MINUTES OF THE APRIL 13, 2010, WORK SESSION MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE MINUTES OF THE APRIL 20, 2010, COUNCIL MEETING. THE

MOTION PASSED 5-0-1, COUNCILMEMBER SIDOTI ABSTAINED.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE MINUTES OF THE APRIL 28, 2010, WORK SESSION MEETING. THE MOTION PASSED UNANIMOUSLY.

4. CONSENT AGENDA:
- A. CONSIDER REQUEST TO WAIVE CARNIVAL LICENSE FEE FOR GOLD STAR AMUSEMENTS, INC. AT EPIPHANY SPRINGFEST
  - B. APPROVE JOINT POWERS AGREEMENT (JPA) WITH ANOKA COUNTY, TRAFFIC SIGNALIZATION AT HANSON BOULEVARD AND 133<sup>RD</sup> AVENUE NW, PROJECT 09-37 (moved to item 15b)
  - C. CONSIDERATION RESOLUTION 10-58 FOR WITHDRAWAL AND TERMINATION FROM THE JOINT AND COOPERATIVE AGREEMENT FOR THE USE OF PERSONNEL AND EQUIPMENT DURING EMERGENCIES – REGIONAL MUTUAL AID ASSOCIATION
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MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED.

Mayor Howe indicated he had some questions about Item 4B and felt the City was paying to large of a share of the expense for this traffic signal. He suggested this item be tabled and brought back to staff for further review. City Manager Fulton suggested the Council pull this item from the Consent Agenda and place it on the agenda as Item 15B.

Councilmember Schulte agreed to remove Item 4B from the Consent Agenda and place it under Item 15B for further discussion. He suggested the City create a policy or formula to address future traffic signals with the County.

Councilmember Larson also agreed to amend the motion as stated above.

AMENDED MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO APPROVE CONSENT AGENDA ITEMS 4A AND 4C AND REMOVE ITEM 4B AND PLACE UNDER ITEM 15B FOR DISCUSSION. THE MOTION PASSED UNANIMOUSLY.

5. COMMERCIAL ANTENNA TOWER PERMIT, CLEARWIRE COMMUNICATIONS:
- A. PUBLIC HEARING, 7:00 P.M.
  - B. APPROVE COMMERCIAL ANTENNA TOWER PERMIT AT 1931 MAIN STREET, 10WC01
- 

Planner Harlicker presented a memorandum to Council stating Clearwire Communications is requesting permit approval to erect a commercial wireless communication facility consisting of a 90 foot tower with three antennas and ground equipment enclosed with a chain link fence. The tower is

proposed on the southeast corner of the Balfany sod farm on the north side of Main Street.

The proposal includes internally mounted antennas inside a 90 foot monopole tower. Surrounding land uses include a sod farm, city property and single family homes. The tower will be designed to accommodate co-location opportunities for additional carriers. Additional carriers will also be required to utilize internally mounted antennas. The applicant has provided documentation that the tower is designed so that in the event of a collapse the debris will not endanger adjacent property.

The tower will be located on the southeast corner of the site, about 243 feet north of Main Street and 76 feet west of the east property line. This tower is a replacement site for the rejected Bison Creek Park location. The antennas and equipment cabinet are the same design as those the Council has reviewed on previous co-location requests by this applicant. The base of the tower and equipment cabinet will be enclosed by a chain link fence. Evergreen trees are proposed for screening along the west and south sides of the enclosure.

City Code requires the City Council hold a public hearing on this matter and that a decision be made no later than Council's next regular meeting following this meeting date unless an extension has been agreed to by the applicant. The application was received on April 9<sup>th</sup> and the next available meeting date was May 4<sup>th</sup>. No extension has been requested and staff has no reason to request an extension. In order to comply with the requirements of Minnesota Statute §15.99, the 60-day review period for the site plan consideration, the City must make a decision by June 6, 2010.

The application was compared to the following criteria found in chapter 13-1208 of the City Code:

*Design Requirements.* Proposed or modified towers and antennas shall meet the following design requirements:

- (a) Towers and antennas shall be designed to blend into and be compatible with the surrounding environment through the use of color and suitable visual treatment, except in instances where the color is dictated by Federal or State authorities including, but not limited to, the Federal Aviation Administration.
- (b) Tower locations shall provide a reasonable amount of screening possible for all sight views of the facility and existing on-site vegetation shall be preserved to the extent reasonably possible as determined by the permit issuer.
- (c) Commercial Use Antenna Towers shall be of a monopole design
- (d) Ground mounted equipment shall be screened from view by suitable vegetation approved by the permit issuer, except where the permit issuer finds a design of non-vegetation screening better reflects and compliments the architectural character of the surrounding neighborhood.
- (e) Access drives required for the maintenance of equipment shall be paved in accordance with City specifications unless the permit issuer finds that some other surface is acceptable due to length, location, and frequency of use.
- (g) A tower shall be constructed in a manner that conforms to all State and local building code requirements.

*Height.* Proposed or modified towers and antennas shall meet the following height requirements:

- (a) The maximum height of a free standing tower shall be 90 feet in a residential area,
- (b) The height of a tower, whether freestanding or located on another structure, shall include any equipment located on top of a tower including, but not limited to, a lightning rod.

*Setbacks.* Proposed or modified towers and antennas shall meet the following setback requirements:

(a) The setback of a free standing tower from any buildable area on property not owned or under the control of the Provider shall be the total height of the tower as measured from the ground surface plus 10 feet. For purposes of this Section the “buildable area” of a property shall exclude required building setbacks from property lines and streets, Class 3, 4, or 5 wetlands, and easements that preclude construction of a building within them.

(b) The permit issuer may reduce the setback upon documentation from a Licensed Engineer that the tower is so designed that any debris in the event of a collapse or failure will be confined to the area of property under the control of the Provider or in any case will not seriously endanger adjacent property.

(c) Ground located equipment used by Providers shall be located as close as possible to the base of the tower or other structure on which the antenna is located unless another location is approved by the permit issuer.

*Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other Federal or State authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

*Signs and Advertising.* No portion of any tower, or the property under the control of the Provider, may be used for signs or advertising other than warning, emergency, or equipment information signs.

The application is in conformance with applicable City Code provisions.

Councilmember Schulte asked if the tower could be moved 50 feet to the west to be placed on City property. Planner Harlicker indicated the proposed location was requested by Clearwire and was on private property.

Councilmember Klint explained she would like further comment from the applicant as well to see if the tower could be located on City property.

Mayor Howe opened the public hearing at 7:17 p.m.

Steve Stulz, Clearwire Communication, thanked the Council for considering this item. He explained Clearwire looked at two County properties along with the City park site. Mr. Stulz stated that in the past, nature parks were not allowed to have antennas, which lead Clearwire to the proposed location. Mayor Howe closed the public hearing at 7:19 p.m.

Mayor Howe asked if all sides of the enclosure should be screened. Planner Harlicker noted the east side would be the entrance but that the north side could be screened with landscaping if the Council was in agreement.

**MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SIDOTI, TO APPROVE THE PROPOSED COMMERCIAL ANTENNA TOWER AT 1931 MAIN STREET WITH THE FOLLOWING CONDITIONS:**

1. THE SOUTH, NORTH, EAST AND WEST SIDES OF THE ENCLOSURE MUST BE SCREENED WITH SHRUBS OR EVERGREENS.
2. THE EQUIPMENT CABINET BE PAINTED TAN.
3. ALL ANTENNAS MUST BE INTERNALLY MOUNTED.

THE MOTION PASSED UNANIMOUSLY.

6. COMMERCIAL ANTENNA TOWER PERMIT, CLEARWIRE COMMUNICATIONS:
    - A. PUBLIC HEARING, 7:00 P.M.
    - B. APPROVE COMMERCIAL ANTENNA TOWER PERMIT AT 11800 UNIVERSITY AVENUE, 10WC02
- 

Planner Harlicker presented a memorandum to Council stating Clearwire Communications is requesting permit approval to erect a commercial wireless communication facility consisting of a 90 foot tower with three antennas and ground equipment enclosed with a chain link fence. The tower is proposed on the northern half of Morningside Memorial Gardens cemetery.

The proposal includes three externally mounted antennas mounted on a 90 foot monopole tower. Surrounding land uses include the cemetery and single family homes. The tower will be designed to accommodate co-location opportunities for additional carriers. The applicant has provided documentation that the tower is designed so that in the event of a collapse the debris will not endanger adjacent property.

The tower will be located near the south side of the existing garage/storage building on the northern half of the site, about 184 feet from the north property line and 85 feet from the west property line. The closest home is 200 feet to the northwest. The antennas and equipment cabinet are the conventional monopole design with exterior mounted antennas. This tower replaces the one previously proposed for Burl Oaks Park. Because of the change in location, to achieve the required coverage a 90 foot tower and external antennas are needed. The base of the tower and equipment cabinet will be enclosed by a chain link fence.

City Code requires the City Council hold a public hearing on this matter and that a decision be made no later than Council's next regular meeting following this meeting date unless an extension has been agreed to by the applicant. The application was received on April 9<sup>th</sup> and the next available meeting date was May 4<sup>th</sup>. No extension has been requested and staff has no reason to request an

extension. In order to comply with the requirements of Minnesota Statute §15.99, the 60-day review period for the site plan consideration, the City must make a decision by June 6, 2010.

The application was compared to the following criteria found in chapter 13-1208 of the City Code:

*Design Requirements.* Proposed or modified towers and antennas shall meet the following design requirements:

(a) Towers and antennas shall be designed to blend into and be compatible with the surrounding environment through the use of color and suitable visual treatment, except in instances where the color is dictated by Federal or State authorities including, but not limited to, the Federal Aviation Administration.

(b) Tower locations shall provide a reasonable amount of screening possible for all sight views of the facility and existing on-site vegetation shall be preserved to the extent reasonably possible as determined by the permit issuer.

(c) Commercial Use Antenna Towers shall be of a monopole design

(d) Ground mounted equipment shall be screened from view by suitable vegetation approved by the permit issuer, except where the permit issuer finds a design of non-vegetation screening better reflects and compliments the architectural character of the surrounding neighborhood.

(e) Access drives required for the maintenance of equipment shall be paved in accordance with City specifications unless the permit issuer finds that some other surface is acceptable due to length, location, and frequency of use.

(g) A tower shall be constructed in a manner that conforms to all State and local building code requirements.

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(a) The maximum height of a free standing tower shall be 90 feet in a residential area,

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(b) The permit issuer may reduce the setback upon documentation from a Licensed Engineer that the tower is so designed that any debris in the event of a collapse or failure will be confined to the area of property under the control of the Provider or in any case will not seriously endanger adjacent property.

(c) Ground located equipment used by Providers shall be located as close as possible to the base of the tower or other structure on which the antenna is located unless another location is approved by the permit issuer.

*Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other Federal or State authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

*Signs and Advertising.* No portion of any tower, or the property under the control of the Provider, may be used for signs or advertising other than warning, emergency, or equipment information signs.

The application is in conformance with applicable City Code provisions, except for landscaping the area around the enclosure. The existing vegetation, which includes mature trees, should provide sufficient screening.

Planner Harlicker explained he received telephone calls from residents at 11829 Dogwood, 11817 Dogwood, and 11842 Cottonwood regarding this application. All homeowners expressed concern about decreased property values and questioned the aesthetics of the tower.

Councilmember Johnson questioned why this antenna had to be externally mounted. Mr. Stulz explained that this location was chosen per Council request. The site was approximately 1,800 feet off of the originally proposed site and the externally mounted antennas would increase the performance by 15%. He stated additional landscaping could be planted around the tower and that the tower could be painted.

Mayor Howe asked if Clearwire had given any thought to locating the tower on University Avenue. Mr. Stulz indicated University Avenue would not work due to the fact the County right-of-way had major height restrictions.

Mayor Howe opened the public hearing at 7:30 p.m.

Ed Bird, 11853 Dogwood Street NW, stated he has been a resident in Coon Rapids for over 30 years. He explained his family built near the cemetery for the park-like atmosphere and large trees. Mr. Bird stated he purchased a great deal of trees and shrubs to block out the maintenance building and new homes behind his lot. He was extremely opposed to a 90-foot tower in his backyard as it could not be screened and did not fit with the cemetery park-like atmosphere.

Alice Bird, 11853 Dogwood Street NW, shared several photos with Council from her neighborhood. She indicated the fully mature 50-foot oak trees in her neighborhood would not screen out the proposed 90-foot antenna. Ms. Bird stated she has spent a great deal of money on landscaping and takes great care and pride of her yard. She requested the Council consider another location as this would become the focal view from her home.

Brenda Kellner, 11841 Dogwood Street NW, explained she was drawn to her property because of the fully grown trees. She spoke with several real estate agents asking how her property value

would be affected by the location of a tower in her backyard. Ms. Kellner indicated each agent expressed it would be more difficult to sell a home with a cell tower in such close proximity. In addition it would also decrease the property values of the homes in the area. She stated her home lost several trees last year in a storm and suggested the Council consider another site for this antenna.

Al Kellner, 11841 Dogwood Street NW, was not in favor of the antenna. He indicated he and his wife purchased their home near the cemetery expecting that an antenna would not be proposed in their backyard.

Bob Gagner, 11865 Dogwood Street NW, thanked the Council for their time. He opposed the antenna location and suggested the Council find a new site closer to University Avenue. Mr. Gagner stated he and his neighbors paid more for their property and would like to keep it free and clear of large poles.

Stephanie Wallschlaeger, 11877 Dogwood Street NW, indicated she bought her first house in Coon Rapids nine years ago and has been on Dogwood Street NW for a year and a half. She expressed concerns about the health risks of locating the tower so close to residential homes as she was the mother of two young children. Ms. Wallschlaeger stated she would be incredibly saddened if the tower was located in her backyard and suggested the Council seek an alternate site.

Phil Samek, 11847 Alder Street NW agreed with the comments expressed this evening. He opposed the tower and stated future expansion of the tower would also adversely affect the properties.

Mayor Howe questioned if University Avenue would be a better location. Mr. Samek was not in favor of the tower along University Avenue either and suggested it be located near Eisenhower Elementary.

Dacruz Consuelo Segovia, 11800 Dogwood Street NW, was also impressed with the appeal of this neighborhood and its mature trees. She felt the proposed tower would be an eyesore and would affect the property values. Ms. Segovia requested the Council not approve the antenna.

Mayor Howe closed the public hearing at 7:56 p.m.

Councilmember Klint asked how far homes were from the tower at Sand Creek Elementary. Councilmember Schulte thought the homes were approximately 360 feet from the tower.

Councilmember Schulte felt the character of this neighborhood was completely different. The neighbors would be affected and the antenna does not serve all parties involved. He felt this tower location was more invasive.

Councilmember Klint asked if homeowners came to speak against the tower at Sand Creek Elementary. Mayor Howe recalled two residents spoke at that meeting, largely about the long term health effects of the tower.

Mayor Howe agreed with Councilmember Schulte stating the proposed location was going to affect the surrounding neighborhood and cemetery. He suggested the tower be located closer to University Avenue.

Councilmember Larson stated she was not in favor of the proposed location as it would be located near developed cemetery plots. She suggested another location be chosen for this tower.

Councilmember Sidoti indicated the tower would eventually be located in someone's backyard. He had trouble with the fact that towers needed to be placed throughout the City if the residents wanted wireless broadband. He questioned how the Council was to pick and choose the least affected neighborhoods.

Councilmember Schulte stated the one approved on Main Street did not affect homeowners. However, this tower would directly affect the neighborhood based on the number of concerns voiced this evening. He supported Clearwire coming into the City of Coon Rapids, but the Council needed to be responsible in approving the correct tower locations. Councilmember Schulte suggested a more commercial location be chosen.

Councilmember Klint requested the Council maintain a level of consistency in approving or denying the tower requests. She was in favor of the wooded location of this tower with additional screening.

**MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO DENY APPROVAL OF A COMMERCIAL ANTENNA TOWER PERMIT AT 11800 UNIVERSITY AVENUE.**

Councilmember Johnson thanked the residents for providing comments this evening. He agreed with the comments presented as to the appeal and atmosphere of this neighborhood. Councilmember Johnson stated, however, that he would support the proposed location as all neighborhoods in the community were evolving.

City Attorney Hiljus explained the Federal Communications Commission has certain rules about these applications. The City would need written findings if Clearwire were to challenge the denial of this request. He indicated the proposed location met the City's zoning codes and explained it would be difficult for the City to defend this case based on aesthetics alone. City Attorney Hiljus stated alternative locations have not been considered by Clearwire and requested the Council postpone action at this time until additional locations could be discussed.

Mayor Howe requested the Council vote on this issue and have Clearwire work further on the site location with staff.

**SUBSTITUTE MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY**

COUNCILMEMBER KLINT, TO POSTPONE ACTION ON THE COMMERCIAL ANTENNA TOWER PERMIT AT 11800 UNIVERSITY AVENUE. THE MOTION FAILED 2-4 MAYOR HOWE, COUNCILMEMBERS SCHULTE, LARSON AND SIDOTI OPPOSED.

Councilmember Schulte believed Clearwire wants to be good neighbors in the City of Coon Rapids. He was convinced Clearwire would work with the City to find a better location for this tower as the proposed site was too close to the property line. He suggested the Council act on the original motion.

Councilmember Sidoti stated he would like the Council to create criteria or written findings for denial. He noted the antenna approved at 1931 Main Street was in the same proximity to homes. Councilmember Sidoti requested that internal antennas and a natural color be chosen for the antenna at 11800 University Avenue.

Councilmember Klint did not want to see the City discriminate against certain neighborhoods based on landscaping. She felt Clearwire had done their due diligence to find a proper location for a tower in this area. In addition, the City proposed this location.

Mayor Howe called for a roll call vote on the original motion on the floor to deny the antenna request.

ROLL CALL:

Councilmember Klint – Nay  
Councilmember Larson – Aye  
Councilmember Johnson – Nay  
Councilmember Sidoti – Nay  
Councilmember Schulte – Aye  
Mayor Howe – Aye

THE MOTION FAILED 3-3, COUNCILMEMBERS KLINT, JOHNSON AND SIDOTI OPPOSED.

Mayor Howe asked how the Council should proceed. City Attorney Hiljus indicated the failed vote would table or postpone action indefinitely. He recommended the Council make a motion to postpone action on the Clearwire antenna permit to a date certain. Planner Harlicker reviewed the FCC codes with the Council stating action would be required at the May 18, 2010, meeting unless otherwise agreed to by the applicant.

City Manager Fulton suggested this item be postponed to June 1, 2010, to allow for Councilmember Sidoti to be present at the meeting.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO POSTPONE ACTION ON THE CLEARWIRE COMMERCIAL ANTENNA TOWER PERMIT

AT 11800 UNIVERSITY AVENUE TO THE JUNE 1, 2010, REGULAR COUNCIL MEETING.

Councilmember Johnson asked if this date kept the City within the FCC regulations. City Attorney Hiljus indicated this would keep the City within the federal laws but he would need to review the City requirements.

Planner Harlicker read the City Code stating action was required on the night presented or the next held meeting unless otherwise agreed upon by the applicant. If the Council were to move this past the May 18 meeting, it would need to be agreed upon by Clearwire.

City Attorney Hiljus suggested the Council postpone the item indefinitely to allow staff to speak with Clearwire to seek alternative locations. He noted the item would come back to the May 18 meeting at a staff level and explained Clearwire has been very willing to work with the City in the past.

FRIENDLY AMENDMENT ACCEPTED BY COUNCILMEMBER SCHULTE AND COUNCILMEMBER LARSON TO POSTPONE ACTION INDEFINITELY ON THE CLEARWIRE COMMERCIAL ANTENNA TOWER AT 11800 UNIVERSITY AVENUE.

THE MOTION PASSED UNANIMOUSLY.

7. PROPOSED CHARTER AMENDMENTS
    - A. PUBLIC HEARING, 7:00 P.M.
    - B. TABLE ADOPTION OF AN ORDINANCE REVISING CHAPTER 1-400, NOMINATIONS AND ELECTIONS, OF THE HOME RULE CHARTER TO REFLECT RECENT CHANGES IN STATE LAW
- 

City Clerk Anderson presented a memorandum stating Council is asked to hold a public hearing and table adoption of an ordinance amending City Charter Chapter 1-400, Nominations and Elections.

The Legislature has changed the date of the Minnesota primary election to the second Tuesday in August. The proposed language refers to the 'primary election as established in State law', rather than defining the date. This will eliminate the need for future amendments should the date be changed again.

Language in Section 1-401 and 1-404 is recommended for removal. This language is from the 1990s when the Council was increased to seven members and elections were transitioned to even years. It is also recommended that the filing fee for office be non-refundable. Filings fees for County and State offices are non-refundable by statute.

On March 8, the Charter Commission unanimously recommended approval of the changes.

The required 30 days have passed since introduction, and a notice of public hearing has been

published.

Since a unanimous vote of all Councilmembers is required for a Charter amendment, adoption should be tabled to the June 1 meeting.

Councilmember Schulte asked if the item would be tabled or postponed. City Attorney Hiljus indicated the proper motion would be to postpone action on this item until June 1.

Mayor Howe opened and closed the public hearing at 8:34 p.m. since no one appeared to address the Council.

**MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER KLINT, TO POSTPONE ADOPTION OF THE ORDINANCE TO THE JUNE 1, 2010, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.**

**8. CONSIDER ADOPTION OF ORDINANCE AMENDING CITY CODE; AMENDING REGULATIONS FOR NON-COMMERCIAL SPEECH TEMPORARY SIGNS**

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City Clerk Anderson presented a memorandum stating Council is asked to consider adoption of an ordinance amending language regarding temporary non-commercial speech signs.

With the state primary being changed to August 10, statutory language was also amended which allows placement of any number and size of non-commercial speech signs 46 days prior to the primary election. The prior language was for a specific date. It is, therefore, necessary to amend the City Code to conform to the statute. Language has also been added to address temporary signs for a special election.

The Board of Adjustment and Appeals reviewed this amendment on April 1 and approved the changes.

**MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT AN ORDINANCE REVISING LIMITATIONS ON NON-COMMERCIAL SPEECH TEMPORARY SIGNS. THE MOTION PASSED UNANIMOUSLY.**

**9. STORM WATER REGULATION:**

- A. CONSIDER ADOPTION OF AN ORDINANCE AMENDING CITY CODE; REVISING COON RAPIDS EROSION CONTROL MEASURES**
  - B. CONSIDER ADOPTION OF AN ORDINANCE AMENDING CITY CODE; REGULATING ILLICIT DISCHARGES AND CONNECTIONS TO THE STORMWATER SYSTEM**
- 

City Engineer Vierzba presented a memorandum to Council stating the City Council is requested to consider adoption of two ordinances that pertain to storm water regulation within the City.

The City is required to meet certain rules regarding storm water quality within the City. In August, 2009, the Minnesota Pollution Control Agency (MPCA) performed an audit of the City's storm water system plans, ordinances, procedures, and policies. The review took place over a two day period. The MPCA's audit report was received by the City in early December 2009 and recommended that some ordinance changes be made to improve the City's overall storm water program.

The first ordinance adds a requirement that an MPCA permit must be obtained before one acre or more of surface area is disturbed and adds a provision for street sweeping if sediment or debris is deposited on paved areas. This proposed ordinance was reviewed and recommended for approval by the Planning Commission as required on April 15, 2010.

The second ordinance creates a new chapter that pertains to illicit discharges to the City's storm drain system. This ordinance provides for enforcement by the City and penalty to persons responsible for unauthorized discharges to the City's system.

Council introduced the ordinances on March 23, 2010.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT AN ORDINANCE AMENDING CITY CODE REVISING COON RAPIDS EROSION CONTROL MEASURES AND AN ORDINANCE REGULATING ILLICIT DISCHARGES AND CONNECTIONS OF THE STORMWATER SYSTEM. THE MOTION PASSED UNANIMOUSLY.

10. A. REMOVE FROM TABLE AND CONSIDER RESOLUTION AWARDED CONTRACT FOR SANITARY SEWER LIFT STATION NO. 10, PROJECT 09-31

Public Services Director Gatlin presented a memorandum to Council stating bids for replacement of Sanitary Sewer Lift Station No. 10 were received on April 16, 2010. Council is requested to award a contract at this time.

The City's consulting engineer, SEH, Inc. prepared plans for this project. Council approved plans and ordered advertisement for bids on March 23, 2010. Bids were received on April 16, 2010. Council tabled the award of bids at the April 20, 2010, meeting after staff requested additional time to review the bids. Lift Station No. 10 is a sanitary sewer lift station located at 12699 Foley Boulevard and serves the northeast part of the City. The lift station is at the end of its useful life and needs to be replaced. We expect work to start on the project in June and should be substantially completed this fall. Bids received on are as follows:

Minger Construction	\$275,000
Utility Systems of America	\$280,000
Geislinger and Sons	\$284,000

Engineering and Construction Innovations, Inc.	\$287,185
Penn Contracting, Inc.	\$332,700
Engineer's Estimate	\$418,360

The low bid is approximately 34% below the engineer's estimate and reflects the very competitive current bidding climate. A letter of recommendation from our engineer, SEH, Inc., is attached. The Sewer Budget includes \$535,000 for the lift station renovation.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO REMOVE FROM THE TABLE THE CONTRACT AWARD FOR SANITARY SEWER LIFT STATION NO. 10. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION 09-31(9) AWARDED A CONTRACT TO MINGER CONSTRUCTION, INC., FOR REPLACEMENT OF SANITARY SEWER STATION NO. 10 IN THE AMOUNT OF \$275,000. THE MOTION PASSED UNANIMOUSLY.

B. REMOVE FROM TABLE AND CONSIDER RESOLUTION AWARDED CONTRACT FOR SANITARY SEWER RELINING PROJECT, PROJECT 09-32

Public Services Director Gatlin presented a memorandum to Council stating bids for the Coon Rapids sanitary sewer relining project were received on April 16, 2010. Council is requested to award a contract at this time.

Our consulting engineer, SEH, Inc., prepared plans for this project. Council approved plans and ordered advertisement for bids on March 23, 2010. Bids were received on April 16, 2010. Council tabled award of bids at the April 20, 2010, meeting after staff requested additional time to review the bids. Relining is planned to be done in areas from University Avenue to Dogwood Street NW between 98<sup>th</sup> Lane NW and 106<sup>th</sup> Lane NW, and south of Northdale Boulevard to TH 10 between Foley Boulevard and the railroad tracks.

Bids received for the relining project are summarized as follows:

Insituform Technologies USA, Inc.	\$1,137,115.90
Visu-Sewer, Inc.	\$1,189,992.50
Lametti and Sons, Inc.	\$1,197,095.00
Michels Pipe Services	\$1,323,448.00
Veit & Company, Inc.	\$1,334,630.50
Engineer's Estimate	\$1,586,040.50

The low bidder, Insituform Technologies USA, Inc., specializes in sewer cleaning, lining, and repair. They completed the 2009 relining project for us and performed well. The low bid is approximately



Northwest Asphalt	\$119,025.00
North Valley, Inc.	\$122,475.10
Rum River Contracting	\$126,196.45
Hardrives, Inc.	\$129,775.00
FPI Paving	\$160,121.00
Aslakson's Blacktopping	\$174,175.00
GMH Asphalt	\$234,914.00
Engineer's Estimate	\$119,350.00

The low bidder, TA Schifsky & Sons, had this same work contract with the City last year and did an excellent job. Their bid is substantially lower than other bids but they are very satisfied with their bid and will perform the work as required.

Funding for this work would be paid from Activity 601-Utility fund and Activity 797-Street Reconstruction fund.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER SCHULTE, TO ADOPT RESOLUTION 10-7(9) AWARDED A CONTRACT TO TA SCHIFSKY & SONS IN THE AMOUNT OF \$85,340. THE MOTION PASSED UNANIMOUSLY.

**B. CONSIDER RESOLUTION AWARDED CONTRACT FOR BITUMINOUS PATCHING – SMALL AREAS, PROJECT 10-8**

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City Engineer Vierzba presented a memorandum to Council stating bids for street patching were received on April 16, 2010. Council is scheduled to consider a contract award on May 4, 2010.

There are various types of repair work throughout the City that is needed every year. The City contracts for this work. This contract is for street patches smaller than 20 square yards where “hand placement” of mix would be used to pave the patch area. Work included in this contract includes the following--

Bituminous Surfacing Repair

- street patching needed due to watermain break repair
- smaller street patches needed in the seal coat areas and wherever concrete curb is replaced
- street patches needed due to storm drain inlet repair

Bids received on April 16th are as follows—

TA Schifsky & Sons	\$ 79,060.00
Expert Asphalt	\$ 89,050.00
Northwest Asphalt	\$ 99,310.00
Diversified Paving	\$108,400.00
Rum River Contracting	\$109,829.80

Q3 Contracting	\$115,755.00
ACT Asphalt	\$123,842.00
FPI Paving	\$124,930.00
Aslakson's Blacktopping	\$134,960.00
Hardrives, Inc.	\$138,580.00
Bituminous Roadways	\$189,905.00
GMH Asphalt	\$250,240.00
Allied Blacktop	\$386,414.00
Engineer's Estimate	\$109,175.00

The low bidder, TA Schifsky & Sons, had a contract with the City last year for large patches and did an excellent job.

Funding for this work would be paid from Activity 601-Utility fund, Activity 640-Storm Water Utility fund, and Activity 797-Street Reconstruction fund.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION 10-8(9) AWARDDING A CONTRACT TO TA SCHIFSKY & SONS IN THE AMOUNT OF \$79,060. THE MOTION PASSED UNANIMOUSLY.

C. CONSIDER RESOLUTION AWARDDING CONTRACT FOR CONCRETE REPAIRS, PROJECT 10-9

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City Engineer Vierzba presented a memorandum to Council stating bids for concrete repair needed throughout the City were received on April 16, 2010. Council is scheduled to consider a contract award on May 4, 2010.

There are various types of repair work throughout the City that is needed every year. The City contracts for this work and it is time to award a contract for concrete repair for this year. Work included in this contract is as follows—

Concrete Repair

- concrete curb replacement in proposed seal coat area
- concrete curb replacement as needed throughout the City
- concrete street gutter work needed where resident wants to widen driveway(paid by resident)
- concrete sidewalk replacement as needed throughout the City

Bids received on April 16th are as follows-

Ron Kassa Construction	\$104,213.50
Concrete idea, Inc.	\$109,165.00
Schmidt Curb Co.	\$125,461.50

Engineer's Estimate \$114,000.00

The low bidder, Ron Kassa Construction, has done a good job on previous contracts with the City. Kassa has had this contract with the City for the past several years.

Funding for this work will be paid from Activity 797-Street Reconstruction fund and Activity 511-Sidewalk Maintenance fund.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SCHULTE, TO ADOPT RESOLUTION 10-9(9) AWARDED A CONTRACT TO RON KASSA IN THE AMOUNT OF \$104,213.50. THE MOTION PASSED UNANIMOUSLY.

D. CONSIDER RESOLUTION AWARDED CONTRACT FOR EMERGENCY CONCRETE REPAIRS, PROJECT 10-10

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City Engineer Vierzba presented a memorandum to Council stating bids for concrete repair needed throughout the City were received on April 16, 2010. Council is scheduled to consider a contract award on May 4, 2010.

There are various types of repair work throughout the City that is needed every year. The City contracts for this work and it is time to award a contract for emergency concrete repair this year. Emergency concrete repairs are needed in areas where street restoration must be done quickly to get the street in good driving condition. The Contractor would be called in to do the work with short notice and must respond quickly. Work included in this contract is as follows—

Concrete Repair

- concrete curb replacement in area of watermain break repair
- concrete repair for storm drain inlets throughout the City

Bids received on April 16th are as follows-

Ron Kassa Construction	\$41,140.00
Schmidt Curb Co.	\$51,860.00
Engineer's Estimate	\$43,350.00

The low bidder, Ron Kassa Construction, has done a good job on previous contracts with the City. Kassa has had this contract with the City for the past several years.

Funding for this work will be paid from Activity 601-Utility fund and Activity 640-Storm Water Utility fund.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION 10-10(9) AWARDED A CONTRACT TO RON KASSA IN THE

AMOUNT OF \$41,140.00. THE MOTION PASSED UNANIMOUSLY.

E. CONSIDER RESOLUTION AWARDED CONTRACT FOR TURF REPAIR,  
PROJECT 10-11

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City Engineer Vierzba presented a memorandum to Council stating bids for turf restoration on street boulevards throughout the City were received on April 16, 2010. Council is scheduled to consider a contract award on May 4, 2010.

There are various types of repair work throughout the City that is needed every year. The City contracts for this work and it is time to award a contract for turf restoration for this year. Work included in this contract is as follows-

Turf Restoration

- turf repair in area of watermain break repair
- turf repair needed where concrete curb has been replaced throughout City
- turf repair in street seal coat area where curb is being replaced

One bid was received on April 16th as follows—

Lino Lakes Landscaping	\$25,850.00
Engineer's Estimate	\$33,050.00

The low bidder, Lino Lakes Landscaping, has done a good job on previous contracts with the City. Only this one bid was received, but the bid is reasonable and a contract should be awarded.

Funding for this work will generally be paid from Activity 601-Utility fund and Activity 797-Street Reconstruction fund.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION 10-11(9) AWARDED A CONTRACT TO LINO LAKES LANDSCAPING IN THE AMOUNT OF \$25,850.00. THE MOTION PASSED UNANIMOUSLY.

12. CONSIDER RESOLUTION AWARDED CONTRACT FOR PARK RECONSTRUCTION  
AT MOOR PARK, MAGNOLIA STREET AND 109<sup>TH</sup> AVENUE NW, PROJECT 09-39

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Project Manager Full presented a memorandum to Council stating bids will be received on April 30<sup>th</sup> for this park reconstruction project.

The Parks and Recreation Commission held a neighborhood meeting on February 22nd for resident input on the plan. Council reviewed the plan at a workshop session on March 30. Council approved plans and ordered ad for bids on April 6<sup>th</sup>. No improvements have been made to this park since 1975

other than a play structure in 1993. The trails and parking lots are in poor condition. The proposed project includes the following improvements—

- Relocation of ballfields with the infields located further away from neighboring residents
- removal of hockey rinks/boards
- installation of concrete curb and paving for larger parking lots
- repaving of trails—6,250 feet
- installation of three picnic shelters
- installation of lighting along trails and for parking lots
- irrigation of the ball fields—softball and soccer
- clearing of brush in non-maintained areas to improve visibility in area

Bids were received on the main construction items such as grading, parking lots, equipment installation, and ballfield fencing and quotes were obtained on irrigation, electrical work, and turf restoration. Results of the bidding is as follows—

Main Bid (grading, parking lots, fencing, equipment installation)

North Valley, Inc.	\$296,961.25
TA Schifsky & Sons, Inc.	\$302,241.70
Peterson Co., Inc.	\$364,037.54
Veit & Co., Inc.	\$392,041.35

Quotes received are as follows—

Electrical (parking lot lighting, trail lighting)

Rawlands Electric, Inc.	\$62,336.00	\$ 5,600.00 (Alt)	\$67,636.00
Starry Electric, Inc.	\$67,501.20	\$10,775.00 (Alt)	\$78,276.20

The alternates for electrical consist of \$2,000 for wire conduit, no cost for using LED trail lighting, and \$3,600 for using LED parking lot lights.

Irrigation(irrigation for softball fields, soccer field)

M & R Enterprises	\$29,243.75	\$16,978.50 (Alt)	\$46,222.25
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The alternates for irrigation provided for irrigation of a small soccer field at the north end of the site as well as irrigation for areas around the softball fields.

Turf(seeding the site)

Lino Lakes Landscaping	\$22,400.00
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All of the low bidders have done work for the City in the past and have done a good job. The attached sheet shows the summary of low bidders and alternate bid items.

The total estimated cost of the project is \$539,000. Alternates on some items are being taken so that the project cost can be adjusted to stay within the budgeted amount of \$550,000. Funding would come from the Park Construction Fund—Activity 794.

Alternates on some items were taken so that the project cost could be adjusted to stay within the budgeted amount of \$550,000, with a goal of spending no more than \$500,000. Funding would come from the Park Construction Fund– Activity 794.

It is recommended that the electrical alternates be included in the project to provide for LED lighting and armored conduit for underground wiring. It is recommended that all irrigation alternates be deleted from the project. This would eliminate irrigation in the area between the baseball/softball fields, the area adjacent to the main baseball parking lot, and the small secondary soccer field on the north side of the park. These are all non-active field areas and if necessary, irrigation could be added later. By eliminating the irrigation alternates we would save approximately \$17,000. This would reduce the total project cost to \$508,841 as shown on the attached spreadsheet.

Staff also recommends exploration of the alternate of eliminating the three separate free-standing shelters, and instead, construct one larger more elaborate free-standing shelter in the center of the park near the playstructure and main parking area. This would allow larger neighborhood functions to be accommodated in the shelter. This would eliminate approximately \$91,000 from the current budget. Staff believes to construct a larger more elaborate structure would cost \$75,000-\$80,000, thus reducing the overall project budget to a number slightly less than \$500,000.

By not proceeding with the three separate shelters, we would, by change order, delete approximately \$31,000 from the base bid at a later date.

In the future, purchase orders could be issued as follows:

Electrical – Rawlands Electric	\$67,936.00
Irrigation – M & R Enterprises	\$29,243.75
Turf – Lino Lakes Landscaping	\$22,400.00
Equipment Purchase (by City)	\$92,300.00

**MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION 09-39(9) AWARDED A CONTRACT TO NORTH VALLEY, INC. IN THE AMOUNT OF \$296,961.25.**

Councilmember Johnson indicated the original plans had been changed and were acceptable to him.

Councilmember Schulte pointed out several other changes to Council regarding an increase in electrical power to allow for LED lighting and removing the three individual shelters and replacing them with one larger shelter near the play area. This was a more cost effective solution.

**THE MOTION PASSED UNANIMOUSLY.**

13. CONSIDER APPROVAL OF CONSTRUCTION MANAGER CONTRACT WITH RJM CONSTRUCTION FOR CONSTRUCTION MANAGER SERVICES FOR THE NEW ICE ARENA

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Public Services Director Gatlin presented a memorandum to Council stating Staff and Council have completed the selection process for a new construction manager for the new ice arena project. On April 13, 2010, Council interviewed three firms, and by consensus, selected RJM Construction. Staff was directed to negotiate a contract with RJM. That negotiation has been completed and a contract has been presented by RJM. Consideration for approval of the contract is appropriate at this time.

City Council directed Staff to conduct a selection process for a new construction manager for the new ice arena. RFPs were sent out to nine firms. Following that solicitation, seven firms responded by submitting RFPs. A committee consisting of Councilmembers, staff and members of the design team reviewed seven proposals independently and selected three firms for interviews. On April 13, 2010, at the Council workshop, Council selected RJM after interviewing three firms, RFM, Amcon, and Krause Anderson. Staff was directed to negotiate a contract with RJM and attempt to lower their proposed fee.

A summary of the construction manager fee submitted by each firm as part of the proposal process was provided. The fee from RJM was nearly \$100,000 higher than the Council's second choice, Krause Anderson. Staff was directed to negotiate a fee significantly lower.

Following the workshop staff met with RJM and discussed their fee. They have agreed to include the project manager fee and the administrative costs in their base fee and not bill extra for those services. That would lower their total fee by \$84,435. RJM does feel strongly that the safety director should be included as a direct bill item and suggested that that be part of the basic construction manager services fee. The other two firms had included the safety director cost in their basic fee.

Based upon these reductions, the new fee for construction manager services from RJM is \$321,373. The negotiated fee is approximately \$8,000 or 2.5% higher than the fee proposed by Kraus Anderson. Given the scope of services, we believe the fee from RJM is appropriate. We have also conducted further reference checks on RJM and reference comments were very positive. RJM will review the earlier construction budget prepared by Amcon and update the budget to reflect current design development construction plans. RJM will also review the project schedule and develop a current project schedule to use as the project moves forward.

Funding for RJM's fees will be incorporated in the overall project budget for the ice arena project.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER LARSON, TO APPROVE THE CONTRACT BETWEEN THE CITY OF COON RAPIDS AND RJM CONSTRUCTION, LLC FOR CONSTRUCTION MANAGER SERVICES FOR THE COON

RAPIDS ICE ARENA AND AUTHORIZE SIGNATURE OF THE CONTRACT BY APPROPRIATE CITY OFFICIALS.

Councilmember Sidoti felt the process of finding and hiring the construction manager for the ice arena was very thorough and thanked all those who participated in the process.

THE MOTION PASSED UNANIMOUSLY.

14. PROPOSED STREET RECONSTRUCTION, COLLECTOR STREET, SPRINGBROOK DRIVE NORTH OF 85<sup>TH</sup> AVENUE NW, PROJECT 09-6
    - A. CONSIDER RESOLUTION ACCEPTING FEASIBILITY REPORT AND ORDERING PUBLIC HEARING FOR JUNE 1, 2010
    - B. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL
    - C. CONSIDER RESOLUTION SETTING ASSESSMENT HEARING FOR JUNE 1, 2010
- 

City Engineer Vierzba presented a memorandum to Council stating the City Engineering Division is recommending street reconstruction on Springbrook Drive, north of 85<sup>th</sup> Avenue NW, in 2010. A feasibility report has been prepared for the proposed project. Council is requested to order a public hearing and assessment hearing to be held on June 1, 2010.

Springbrook Drive, a collector street north of 85<sup>th</sup> Avenue NW, is 31 years old and is in need of repaving. Anoka County is proposing to reconstruct a portion of 85<sup>th</sup> Avenue NW in 2010 in the area of Springbrook Drive. The County project will include installation of new traffic signals at the intersection of 85<sup>th</sup> Avenue NW and Springbrook Drive, a centerline median on 85<sup>th</sup> Avenue NW with left-turn lanes for access to Springbrook Drive, and right-turn lanes. Council approved a JPA with Anoka County regarding the construction on 85<sup>th</sup> Avenue NW on April 20, 2010. The City is proposing to continue with the street improvement on Springbrook Drive, north of the County project, for a distance of 1300 feet. The project would consist of replacing concrete curb that is poor condition, installing public concrete sidewalk along the west side of the street, and paving a new bituminous surface. Council ordered preparation of a feasibility report on January 19, 2010. There are some properties to assess for the street improvement and State Aid funds can be used to pay for the balance of the cost. The City policy for street reconstruction is to assess properties that have access to the street at a set rate of \$37.76 per front foot (commercial rate) or average width of the property that has access to the street.

The properties proposed to be assessed are all commercial sites on the westerly side of the street. The legal description of the area of benefit is—

- Lot 2, Block 2, Springbrook Mall (PIN 36-31-24-44-0003)
- Lot 3, Block 2, Springbrook Mall (PIN's 36-31-24-44-0012 and 0013)
- Lot 1, Block 1, Springbrook Mall Third Addition (PIN 36-31-24-44-0011)

The total estimated cost of the project is \$250,000. The project is necessary to improve the street from its existing poor condition. The project is cost effective with use of State Aid construction funds and is feasible to construct. Assessments would generate \$46,142.72.

The properties on the easterly side of a portion of Springbrook Drive are within the City of Blaine. There are several commercial sites within Blaine that have access onto Springbrook Drive which is entirely within Coon Rapids. Since the City of Coon Rapids has no right to assess properties in another City for public improvements, the City of Blaine has been contacted and requested to consider assessing their businesses for the street improvement and passing the assessment amount on to Coon Rapids to help pay for the street upgrade. If these commercial sites were within Coon Rapids, the City would assess a total of \$26,432 to these sites. The City of Blaine is considering this procedure but no commitment has been made by Blaine at this time. The City had a similar situation two years ago on 133<sup>rd</sup> Avenue NW east of Hanson Boulevard. The street was entirely within Coon Rapids (per annexation with the City of Andover) and the new County Sheriff's facility was being built adjacent to 133<sup>rd</sup> Avenue NW within the City of Andover. In that case, Andover collected the "assessment amount" from the County as part of the building permit fee and paid Coon Rapids the proper amount to help pay for the street construction. The situation on Springbrook Drive is different as the businesses already exist and an assessment would be needed to obtain funding. The City of Blaine has had no policy for assessing for street reconstruction but is currently working on a policy.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 09-6(4) ORDERING A PUBLIC HEARING FOR JUNE 1, 2010, AT 7:00 P.M.; RESOLUTION NO. 09-6(10) DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF ASSESSMENT ROLL; AND RESOLUTION NO. 09-6(11) SETTING THE ASSESSMENT HEARING FOR JUNE 1, 2010, AT 7:00 P.M.

Councilmember Johnson encouraged staff to work with the City of Blaine to resolve the assessment issues. City Manager Fulton noted the City of Blaine was working through their assessment process to provide their portion for this improvement project.

THE MOTION PASSED UNANIMOUSLY.

15. A. CONSIDER APPROVAL OF JOINT POWERS AGREEMENT (JPA) WITH ANOKA COUNTY, PROPOSED TRAFFIC SIGNAL ON NORTHDAL BOULEVARD AT ENTRANCE TO NORTHSTAR COMMUTER RAIL STATION, PROJECT 09-30
- 

City Engineer Vierzba presented a memorandum to Council stating Anoka County is planning to construct a new traffic signal at this intersection in 2010 and has prepared a Joint Powers Agreement for Council approval at this time.

The Northstar rail site has operated as a bus "park and ride" for several years and now is the commuter rail station. There are peak traffic conditions in morning and late afternoon that create

back-ups on the site and create a safety problem. The traffic back-up problem has existed for several years before the commuter rail service began. The “park and ride” traffic created traffic problems. The Anoka County Regional Rail Authority would like a traffic signal installed at the intersection on Northdale Boulevard to provide a safe condition for traffic in the area. The County reviewed the intersection and found that “signal warrants” have been met. The County has prepared a plan that would provide a traffic signal and right and left turn lanes into the site from Northdale Boulevard. The site access would have one lane entering and two lanes exiting the site. This project would improve safety at this intersection. Northdale Boulevard would have a constant green light for traffic for most of the day and night. The signal is needed for relatively short periods of the day. The project would be constructed this summer.

The proposed JPA is needed as a written agreement on cost share and maintenance responsibilities. Council discussed the cost share for this project as part of an informational item on February 16, 2010. Council felt that the County Rail Authority should pay at least 50% of the cost rather than the proposed 33.3% because the signal was needed for the commuter rail facility, not for City traffic on Northdale Boulevard. Councilmembers did comment that this signal is for a safety issue within the City and, therefore, the City had some responsibility. Council directed staff to talk with the Rail Authority on this issue. The County Rail Authority feels that 33.3% is a fair cost share for this project and is not willing to increase their share. Under normal County signal cost sharing policy, the City would pay for its legs of the intersection and one-half of the County legs. For this intersection, under normal County funding, the City would pay 83.33% of the signal costs. In this case, the City is being asked to pay 66.7% of the cost.

The JPA provides for signal maintenance to be performed by the County at City expense as is done with several other signals throughout the City that are on City streets. The City would pay for ongoing electrical power costs as is the case for all signals within the City.

Based on the City’s share of 66.7% of the signal cost, the total estimated project cost to the City would be \$180,284.40. The City’s State Aid street construction funds would be used to pay for this project. MnDOT has approved the plan as required for State Aid funding.

**MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER JOHNSON, TO POSTPONE DISCUSSION ON THE JOINT POWERS AGREEMENT WITH ANOKA COUNTY FOR THE TRAFFIC SIGNAL ON NORTHDALÉ BOULEVARD AT THE ENTRANCE TO THE NORTHSTAR COMMUTER RAIL STATION TO ALLOW STAFF TO HAVE FURTHER DISCUSSIONS WITH ANOKA COUNTY REGARDING THE CITY’S COST PARTICIPATION IN THE PROJECT.**

Mayor Howe indicated the relationship with Anoka County has improved dramatically but felt the traffic signal expense should be more fairly disbursed between the City and County as the City should not be responsible for two-thirds of the expense.

Councilmember Klint stated another light will be needed after the sight was developed and was not in favor of the City paying for both traffic signals.

Councilmember Johnson agreed, stating the County should be responsible for 66% with the City paying for 33%. He encouraged staff to discuss this further with the County and report back to Council.

Councilmember Schulte noted the property adjacent to the Northstar Rail Station was owned by Anoka County as well which made it seem feasible for the County to bear the brunt of the expense.

THE MOTION PASSED UNANIMOUSLY.

- B. APPROVE JOINT POWERS AGREEMENT (JPA) WITH ANOKA COUNTY, TRAFFIC SIGNALIZATION AT HANSON BOULEVARD AND 133<sup>RD</sup> AVENUE NW, PROJECT 09-37
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City Engineer Vierzba presented a memorandum to Council stating Anoka County is proposing to install a traffic signal at the intersection of Hanson Boulevard and 133<sup>rd</sup> Avenue NW in 2010. The County has prepared a JPA for Council approval at this time.

Anoka County completed the upgrade on Hanson Boulevard two years ago and that project did not include this proposed traffic signal because “signal warrants” were not met at that time for the signal. Since then, the City has constructed 133<sup>rd</sup> Avenue NW as needed to serve the new County Sheriff’s facility and provide for a northerly access for the Wexford neighborhood. Traffic signal warrants are now met and the proposed signal project can proceed at this time. The proposed JPA is needed to provide for project cost share and maintenance responsibilities of the new signal system. The City would pay for 50% of the signal cost with the City of Andover and the County each paying 25%. The City of Andover and Coon Rapids would share the ongoing electrical cost and the cost of EVP maintenance. The County would maintain the signal. The plan has been approved by MnDOT as required. Construction would take place this summer.

The total estimated cost to the City is \$128,598.84. This would be paid from the City’s State Aid street construction fund.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER JOHNSON, TO POSTPONE DISCUSSION ON THE JOINT POWERS AGREEMENT WITH ANOKA COUNTY FOR THE TRAFFIC SIGNAL ON HANSON BOULEVARD AND 133<sup>RD</sup> AVENUE NW TO ALLOW STAFF TO HAVE FURTHER DISCUSSIONS WITH ANOKA COUNTY REGARDING THE CITY’S COST PARTICIPATION IN THE PROJECT. THE MOTION PASSED UNANIMOUSLY.

16. WARD FIVE VACANCY:  
A. CONSIDER RESOLUTION 10-57 DECLARING VACANCY IN THE OFFICE OF COUNCILMEMBER FROM WARD FIVE
- 

City Clerk Anderson presented a memorandum asking Council to consider adoption of a resolution

declaring a Council vacancy for Ward Five.

On April 20, 2010, Ward Five Councilmember Bruce Sanders tendered his resignation from Council effective April 30. If Council intends to fill this Council seat, City Charter requires that Council adopt a resolution declaring a vacancy and, within 30 days thereafter, appoint an eligible person to fill the vacancy until the end of the term or order a special election.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER SCHULTE, TO ADOPT RESOLUTION NO. 10-57 DECLARING A VACANCY IN THE OFFICE OF COUNCILMEMBER FROM WARD FIVE. THE MOTION PASSED UNANIMOUSLY.

B. CONSIDER RESOLUTION 10-60 APPOINTING A MEMBER TO FILL A VACANCY IN THE OFFICE OF COUNCILMEMBER FROM WARD FIVE

City Clerk Anderson presented a memorandum stating Council is asked to consider adoption of a resolution appointing a citizen to fill the Ward Five vacancy.

Council met in a work session on April 28, 2010, to discuss the process to fill the Ward Five Council seat vacated by Bruce Sanders. There was consensus that it would be in the best interests of the City and the citizens to have seven members on the Council, and, given the timing and cost, a special election was not a practical option.

As Council adopted Resolution 10-57 declaring a vacancy, choosing an eligible citizen to appoint to fill the vacancy must be taken within 30 days or no later than June 3, 2010.

Councilmember Schulte indicated Jerry Nelson would be a great fit for Ward Five. Mr. Nelson is a retired Police Chief and previously served as the Ward Five Councilmember. Mr. Nelson would serve through the end of the term when the successful candidate from the November election would be sworn in.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION NO. 10-60 APPOINTING JERRY NELSON TO SERVE AS WARD FIVE COUNCILMEMBER UNTIL JANUARY 3, 2011.

Mayor Howe stated he was against appointing Council positions and felt it should be the will of the people to represent the City of Coon Rapids. However, in thinking this over, he agreed Mr. Nelson would be a great fit for the open seat.

THE MOTION PASSED UNANIMOUSLY.

17. PROPOSED CHARTER AMENDMENT:

- A. CONSIDER INTRODUCTION OF AN ORDINANCE REVISING CHAPTER 1-400, NOMINATIONS AND ELECTIONS, OF THE HOME RULE CHARTER TO

REFLECT RECENT CHANGES IN STATE LAW  
B. CALL PUBLIC HEARING FOR JUNE 15, 2010

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City Clerk Anderson presented a memorandum asking Council to introduce an ordinance amending City Charter Chapter 1-400, Nominations and Elections, Election Officials and Canvass of Elections, and schedule a public hearing.

The Legislature has increased the minimum number of election judges assigned to a precinct from three to four.

The Legislature also changed the dates when local government must meet to canvass results of the primary and general elections. For the primary, the language has been changed to require a meeting on the third day following the precinct, or for 2010, on Friday, August 13. The flexibility to canvass within two days has been removed.

A meeting to canvass the general election results must now be scheduled between the third and tenth day after the election, or for 2010, between Friday, November 5 and Friday, November 12. This means a special meeting will be needed, or the November 3 meeting could be rescheduled.

One reason behind these changes is that all absentee ballots will now be counted centrally at Anoka County rather than at the precincts. The precinct results will not be complete until they are combined with the County's absent ballot results. The County is allowed 24 hours to accomplish this, possibly extending the time when the 'final' unofficial results will be available. To accommodate this, the Legislature extended the time when results must be canvassed.

The Charter Commission met on April 27, 2010, and unanimously recommended approval of the changes.

Prior to consideration for adoption, at least thirty days must pass and a public hearing must be held. A unanimous vote of all Councilmembers will be required for adoption.

Hearing no objections, Mayor Howe declared the ordinance to have been introduced and called for a public hearing on June 15, 2010, at 7:00 p.m.

18. CONSIDER DENIAL OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP; MAIN STREET AND SHENANDOAH BOULEVARD, PC 10-02

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Planner Harlicker presented a memorandum to Council stating the City is requesting approval of a zone change from Low Density Residential 2 (LDR2) to Moderate Density Residential (MDR).

In 2009 the City Council adopted the 2030 Comprehensive Land Use Plan, which guides future land use policies and decisions. State statute requires that a parcel's zoning and land use designation be consistent. To bring the zoning map into compliance with the 2030 land use map several areas of the

City need to be rezoned.

The area proposed for rezoning includes four single family residences west of Shenandoah Boulevard and an undeveloped strip along the north and south sides of Main Street, east of Shenandoah Boulevard. The undeveloped area is currently Balfany Sod Farm. On the previous plan these properties had a land use designation of Low Density Residential; the current plan changed the land use designation to Moderate Density Residential. The Low Density Residential designation allows primarily a single family home development. The Moderate Density Residential designation allows a higher density development that includes townhouses.

Since the adoption of the 2030 Comprehensive Plan, plans for the reconstruction of Main Street have been finalized. The City now has the opportunity to take this information and assess the reconstruction project's impact on the long term redevelopment along Main Street.

The reconstruction plans include the construction of storm water ponds along the east side of Shenandoah Boulevard and the north side of Main Street. The County has purchased a 5.2 acre parcel in this area to accommodate a series of ponds. The County has also purchased a two acre permanent easement along the north side of Main Street, at the east end of the Balfany sod farm property, and constructed a storm water pond. The intersection of 125<sup>th</sup> Lane NW and Shenandoah Boulevard will be about moved about 500 feet to the north.

The project also includes the construction of a sound wall, about 10 feet high, between Main Street and the residences on the north and south sides. Existing driveways and field accesses will be closed and no new access to Main Street will be permitted.

At the Planning Commission meeting held on April 15 three residents, including Lois Balfany, spoke at the public hearing. Ms. Balfany's concerns were the impact on their taxes and the floodplain. Most of their property is in a floodplain and not readily suitable for development. The two other speakers live on 124<sup>th</sup> Lane NW and did not feel that the area should be moderate density residential; it was not compatible with the existing single family residences.

The Planning Commission's discussion centered on how the proposed Main Street improvements will impact the area. The Commission decided that the changes to the area surrounding the Main Street/Shenandoah intersection are significant enough to warrant re-evaluating the existing land use designation of Moderate Density Residential.

The Planning Commission unanimously recommended denial of the proposed zone change to Moderate Density Residential. The Commission also recommends that the current land use designation of Moderate Density Residential be re-evaluated. These recommendations were based on the following conclusions:

1. The changes in the direction of the area, based on action by Anoka County, are significant enough to require the City to revisit the Comprehensive Plan before taking action.
2. Taking a broader look at the area appears to be necessary due to access issues to surrounding properties.

In Planning Case 10-02, Staff recommends the City Council deny the introduction of the proposed ordinance approving of the proposed zone change from Low Density Residential 2 (LDR2) to Moderate Density Residential (MDR)

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO DENY THE INTRODUCTION OF AN ORDINANCE APPROVING THE PROPOSED ZONE CHANGE FROM LOW DENSITY RESIDENTIAL 2 (LDR2) TO MODERATE DENSITY RESIDENTIAL (MDR) AT MAIN STREET AND SHENANDOAH BOULEVARD. THE MOTION PASSED UNANIMOUSLY.

19. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP; 1146 MAIN STREET AND BNSF RAILROAD TRACKS; PC 10-04

Planner Harlicker presented a memorandum to Council stating the City is requesting approval of a zone change from Low Density Residential 2 (LDR2) to Moderate Density Residential (MDR). The property is a 14 acre parcel located at the southwest corner of Main Street and the BNSF Railroad tracks. The site includes a single family residence.

In 2009 the City Council adopted its 2030 Comprehensive Land Use Plan, which guides future land use policies and decisions. The property proposed for rezoning is a 14 acre single family residence. On the previous plan this property had a land use designation of Low Density Residential; the current plan changed the land use designation to Moderate Density Residential. The Low Density Residential designation is primarily a typical single family home residential district. The Moderate Density Residential designation is a higher density that includes townhouses.

State statute requires that the zoning of a parcel be consistent with its land use designation. To bring the zoning map into compliance with the new land use map, several areas of the city need to be rezoned. This request is one of several rezonings that are needed so that the zoning map is consistent with the land use map.

The current zoning of Low Density Residential 2 (LDR2) is consistent with the previous Low Density Residential land use designation. To make the zoning consistent with the current Moderate Density Residential land use designation, the zoning of the subject parcel should be changed to Moderate Density Residential (MDR).

The following uses are allowed in the MDR zoning district:

- Townhouses.
- Multiple dwellings of seven or fewer units per acre.
- State licensed community residential facilities or day care facilities serving 16 or fewer persons.

- Single-family dwellings when combined with permitted and/or other attached dwellings uses to achieve a density of at least four dwelling units per acre.
- State licensed community residential facilities or day care facilities serving 17 or more persons.
- State licensed community correctional facilities.
- Cemeteries and their accessory structures.
- Churches, private schools, nursing and boarding care homes, hospitals, sanitariums, rest, and similar institutions.
- Recreational facilities such as country clubs, community recreation buildings, golf courses, archery ranges, or trapshooting ranges
- Public uses or utilities, except major buildings, substations, towers, or high voltage transmission lines.

The proposed rezoning would make the existing single family residence non-conforming.

At the Planning Commission meeting held on April 15<sup>th</sup>, the property owner explained he was not opposed to the proposed zone change. The Commission voted unanimously to recommend approval of the proposed zone change.

Staff recommends, in Planning Case 10-04, the City Council introduce the attached ordinance approving of the proposed zone change from Low Density Residential 2 (LDR2) to Moderate Density Residential (MDR) based on the following findings:

1. The proposed rezoning to Moderate Density Residential is consistent with the proposed land use designation of Moderate Density Residential.
2. The proposed rezoning is compatible with the adjacent land use designations and land uses.
3. The proposed rezoning to Moderate Density Residential would not have an adverse impact on the adjacent properties.

Hearing no objections, Mayor Howe declared the ordinance to have been introduced.

20. OTHER COUNCIL BUSINESS  
A. VACANT PROPERTY MONITORING FEE

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A memorandum was presented from Neighborhood Coordinator DeGrande explaining that at the April 20, 2010, Council meeting, Councilmember Klint asked for clarification regarding the Vacant Property Monitoring Fee and how it is determined which properties are charged this fee.

Code 12-312 allows that any property vacant for 120 days or more can be charged the Vacant Property Monitoring Fee. The fee is charged annually and is set at \$600 for residential properties and \$1,000 for commercial properties. With the understanding that not all vacant properties are problematic or require monitoring, Staff has determined that only properties that sit vacant for more than 120 days and have also required 3 or more visits to the property responding to issues such as

long grass, junk/debris left in the yard, vandalism, unsecured doors or windows, flooding, police calls, fires, etc. will be charged the fee. If the property continues to be vacant, the fee can be charged annually on the anniversary of the original date of vacancy. Staff identifies which properties meet this threshold twice a year (typically February and September), and letters are sent to the property owner regarding the fee and their option to appeal. If the property had recently been sold to a new owner, they simply need to provide a copy of their HUD-1 Settlement Statement as proof of ownership and the fee will be waived. If there has been no new ownership and the fee is not appealed, the Vacant Property Monitoring Fee is then assessed to the property taxes. This process ensures that only those vacant properties that have required excessive amounts of Staff time and resources are the ones that are charged this fee.

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**B. LOUD VEHICLE NOISE AT MAIN STREET AND HANSON BOULEVARD**

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Councilmember Scott Schulte reported at the April 20, 2010, Council meeting a resident at the RealLife Co-Op raised some concerns about excessive vehicle and motorcycle noise at Main Street and Hanson Boulevard.

Police Chief Snell explained the cost of a noise monitoring unit is \$250. This unit is hand operated or monitored by a police officer at the location. The major concern, even with the use of this equipment, is that the noise statute, MSS 169.69, is difficult to enforce as it uses subjective language to prohibit “excessive” or “unusual” noise rather than set an objective standard based on decibels of sound. In addition, it is often difficult to identify the source of the noise because ambient sounds often interfere with readings on the monitoring equipment.

Police officers will be asked to increase their patrols at the intersection of Main Street and Hanson Boulevard and enforce statutes pertaining to unnecessary acceleration and muffler/equipment violations.

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**C. LOCAL MEETING CABLE COVERAGE AT REALLIFE COOPERATIVE, 1555 MAIN STREET**

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A memorandum was presented from CTN Production Manager Strouse explaining that at the April 20, 2010, Council meeting, Councilmember Klint inquired about local meeting coverage to residents at RealLife Cooperative, 1555 Main Street.

Councilmember Klint inquired about cable television providers being responsible for providing local meetings to all residents in the City, specifically residents at RealLife Cooperative. RealLife currently contracts with Dish Network for television coverage, which utilizes a satellite dish instead of cable so local meeting coverage is not possible, although Comcast can still offer “universal service” cable that would allow free local coverage through CTN Studios for City meetings and other events.

Staff followed up with Comcast regarding this concern and discovered that RealLife will not allow Comcast into the property to offer any of these basic cable services. Staff will contact RealLife

management to see if universal service can be offered to their residents, as there may be some type of legal agreement that other service cannot be offered. Staff will follow up with the Council once that information is received.

21. ADJOURN

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MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON,  
TO ADJOURN THE MEETING AT 9:06 P.M. THE MOTION PASSED UNANIMOUSLY.

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Tim Howe, Mayor

ATTEST:

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Joan A. Anderson, City Clerk