

COON RAPIDS CITY COUNCIL MEETING MINUTES OF FEBRUARY 3, 2010

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OPEN MIC/PUBLIC COMMENT

Jerry Pierce, 12236 Partridge Street NW, requested a response to questions regarding the process for the ice arena and Bunker Hills club house facilities: Who were the three contractors interviewed? Who attended the interviews? What were the criteria and qualifications that were asked? Why did Kraus Anderson not meet qualifications? How many ice arenas has Amcon built? How many have Kraus Anderson or the third contractor built? How many golf course club houses has Amcon built or been involved with?

CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of February was called to order by Mayor Tim Howe at 7:08 p.m. on Tuesday, February 3, 2010, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

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

Members Absent: None

1. ADOPT AGENDA

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MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT THE AGENDA, ADDING ITEM 1A AND 3L AND MOVING ITEM 3F TO 1B. THE MOTION PASSED UNANIMOUSLY.

1A. PROCLAMATION OF COMMANDER CLARANCE HILL DAY IN THE CITY OF COON RAPIDS

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Mayor Howe explained Commander Clarence Hill was the National Commander of the American Legion and would be in the City of Coon Rapids on February 14. There would be a gathering at the local American Legion on the 14<sup>th</sup>. The Mayor would present Commander Hill with the proclamation at that time.

1B. CONSIDER RESOLUTION 10-29 TO ACCEPT THE DONATION TOWARDS THE FOURTH OF JULY FIREWORKS FROM THE COON RAPIDS CARDINAL LIONS

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Tim Farmer, President of the Cardinal Lions, presented the City with a check for \$3,000 for the 2010 Fourth of July fireworks. Mr. Farmer explained that the Cardinal Lions were merging with the

Northstar Lions. Mayor Howe thanked the representatives for being present at the meeting and for their generous donation.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION 10-29 ACCEPTING THE \$3,000 DONATION TOWARDS THE FOURTH OF JULY FIREWORKS FROM THE COON RAPIDS CARDINAL LIONS. THE MOTION PASSED UNANIMOUSLY.

2. CONSIDER APPROVAL OF MINUTES:
    - A. JANUARY 19, 2010, COUNCIL MEETING
    - B. JANUARY 22-23, 2010, WORK SESSION
    - C. JANUARY 26, 2010, WORK SESSION
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MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE MINUTES OF THE JANUARY 19, 2010, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, FOR APPROVAL OF THE MINUTES OF THE JANUARY 22-23, 2010, WORK SESSION. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SIDOTI, FOR APPROVAL OF THE MINUTES OF THE JANUARY 26, 2010, WORK SESSION. THE MOTION PASSED 5-0-2, COUNCILMEMBERS KLINT AND LARSON ABSTAINED.

3. CONSENT AGENDA
  - A. APPROVE FINAL PAYMENT, PROJECT 09-11, BITUMINOUS PATCHING – LARGE AREAS
  - B. APPROVE FINAL PAYMENT, PROJECT 09-13, CONCRETE REPAIRS
  - C. APPROVE FINAL PAYMENT, PROJECT 09-15, EMERGENCY CONCRETE REPAIR
  - D. APPROVE THE COMMUNITY FOREST BONDING GRANT FOR REMOVAL AND REPLACEMENT OF PUBLIC TREES, MINNESOTA DEPARTMENT OF NATURAL RESOURCES
  - E. APPROVE ISSUANCE OF THERAPEUTIC MASSAGE ENTERPRISE LICENSE, LILAC WEAVER MASSAGE THERAPY, 2520 COON RAPIDS BOULEVARD
  - F. CONSIDER RESOLUTION 10-29 TO ACCEPT THE DONATION TOWARDS THE FOURTH OF JULY FIREWORKS FROM THE COON RAPIDS CARDINAL LIONS (Considered as Item 1B)
  - G. CONSIDER RESOLUTION 10-30 REVISING THE SEWER AVAILABILITY CHARGE (SAC)
  - H. CONSIDER RESOLUTION 10-28 SETTING A FINE SCHEDULE FOR PARKING FINES

- I. ACCEPT TRAIL EASEMENT FROM 610 EVERGREEN, LLC, HIGHWAY 610 AND EVERGREEN BOULEVARD
  - J. ACCEPT DRAINAGE AND UTILITY EASEMENT FROM NOVAK FLECK, INC. AND ESTATE OF DONALD H. FLYNN, PC 09-21
  - K. APPROVE SECOND AMENDMENT TO NUCLEUS CLINIC LOAN AGREEMENT
  - L. ACCEPT PETITION TO VACATE DRAINAGE AND UTILITY EASEMENT AT COON RAPIDS BOULEVARD AND 111<sup>TH</sup> AVENUE; COON RAPIDS BOULEVARD LCC AND WILLIAM AND JOAN HARGAS, AND ORDER A PUBLIC HEARING FOR MARCH 2, 2010
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MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE CONSENT AGENDA. THE MOTION PASSED UNANIMOUSLY.

4. OPEN MIC REPORTS

- A. PHIL ROSAR, 10640 MISSISSIPPI BOULEVARD RE: RIVERVIEW THIRD ASSOCIATION WATER SHUT OFF AND FLOODING
  - B. ALAN WILLIAMS, 10744 YELLOW PINE STREET RE: RIVERVIEW THIRD ASSOCIATION WATER SHUT OFF
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Kristin DeGrande, Neighborhood Coordinator, submitted a memo to Council stated that Phil Rosar and Alan Williams attended the January 19, 2010 Council meeting to address their concerns regarding the City's water shut off and water restoration process specifically regarding 1561 121<sup>st</sup> Avenue NW, a flooded unit in the Riverview Third Association Townhome development.

The City first became aware that 1561 121<sup>st</sup> Avenue NW was foreclosed and vacant on December 17, 2009. A City inspector investigated the property on December 18<sup>th</sup> and found that it was also without utilities. At that time, the home was posted for water shut off and the request was forwarded to Public Works who closed the curbstop (turned the valve off at the street) on December 22<sup>nd</sup>, 2009. There was no access inside the home to verify that the water was in fact off or to remove the water meter.

The Fire Department received a call on January 13, 2010 that there was flooding in this unit. They broke open the front door and shut off the water at the meter inside. A City padlock was then installed on the front door. The following day, a housing and building inspector followed up with an inspection of the property and sent a letter to the bank and owner of property informing them of the property damage and the hazardous status of the property. Also on January 14<sup>th</sup>, Public Works came back to investigate the curbstop and found that it was inoperable.

When they had originally gone out to the property on December 22<sup>nd</sup>, the curbstop had operated in a way that lead the maintenance staff to believe that the valve had shut off when, in retrospect and after investigation, it was found that it had not. This is something that does occur from time to time given the age and what the elements can do to the condition of the underground equipment. The water meter was removed from the unit on January 14<sup>th</sup>. A City contractor dug up and removed the

curbstop, made repairs and replaced the curbstop on January 19<sup>th</sup> at which point the curbstop (water) was turned off. All procedures were followed to try to protect this vacant property and there was no way of us knowing that the curbstop was inoperable at the time.

Throughout the year, City employees and residents help us identify properties that are potentially vacant. Utility companies are also required to report to the City when they disconnect service to a property. We post the homes and get the water shut off as soon as we can in order to minimize the possibility of freezing pipes and flooding. The posting states that unless someone representing the property calls us, the water service will be disconnected within 24-48 hours. If the property is for sale, a phone call is made to the agent listed prior to shut off to ensure that there are no pending sales and that there are no objections to having the water shut off.

Owners, realtors, and banks do have the option of signing a waiver in order to keep the water on at these homes. Once we confirm which properties will be disconnected, Public Works goes out to shut the valves off at the street/curb. Sometimes they are unable to shut off the water in cases where there is only one valve that operates water service to an entire building of more than one unit (as is the case for many townhomes). Because of these situations, we have been working on developing a network of townhome associations, owners, and property managers to be able to share information when a unit becomes vacant and do what is possible before property damage occurs.

At a later time, when it is requested that water be turned back on to a property, a person must apply for and pass a Water Restoration Inspection. This inspection considers mechanical and structural items that could make the home either unlivable or unsafe. For homes that have experienced flooding, the City also requires a mold test to be performed before water is turned back on.

Mayor Howe thanked Mr. Rosar and Mr. Williams for bringing this particular property to the City's attention. He requested that in the future the City state on the notice the City 'attempted' to shut the water off. City Manager Fulton agreed with this suggestion, stating staff would consider changing the language on the notices to avoid absolute responsibility for future instances.

5. **CONSIDER RESOLUTION DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF A FEASIBILITY REPORT, KWIK TRIP, 9250 SPRINGBROOK DRIVE, PROJECT 09-36**

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City Engineer Vierzba presented a memorandum to Council stating Kwik Trip has submitted a petition for City watermain extension as needed to provide service and fire protection to their new site on the corner of Coon Rapids Boulevard and Springbrook Drive.

Council approved the site plan for this proposed stationstore site on November 4, 2009. One of the conditions of approval requires that the developer petition the City to install watermain as needed to serve the site. Costs would be assessed to the site over a 10-year period. The first step in the project process is for Council to order preparation of a feasibility report.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION NO. 09-36(2) ORDERING PREPARATION OF A FEASIBILITY REPORT FOR THE PROPOSED WATERMAIN EXTENSION. THE MOTION PASSED UNANIMOUSLY.

6. CONSIDER AMENDED RESOLUTION APPROVING PLANS AND SPECIFICATIONS ORDERING ADVERTISEMENT FOR BIDS AND RESCINDING PREVIOUS RESOLUTION, MAIN STREET TRAILWAY FROM ROUND LAKE BOULEVARD TO WEDGEWOOD DRIVE, PROJECT 06-48

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Public Services Director Gatlin presented a memo to Council stating that on September 15, 2009 City Council adopted a resolution approving plans and specifications and ordering advertisement for bids for the Main Street trailway from Round Lake Boulevard to Wedgewood Drive. On November 4, 2009 City Council rescinded this resolution and approved an amended resolution which included language requested by the federal government.

Final plans for the Main Street trailway project have been submitted for final approval by State and Federal agencies. In their review they suggested that it was necessary for the City to adopt an amended resolution making the advertisement for bids and the award of bids both contingent upon Federal approval and authorization of Federal funds for the project. Council approved the amended resolution on November 4, 2009.

Originally the bid opening for the trailway project was scheduled for December 17, 2009. Due to additional State and Federal requirements, the advertisement was delayed. Therefore, it is necessary for Council to approve an amended resolution changing the bid opening to February 3, 2010. Though bids were received on February 3<sup>rd</sup>, this amended resolution will satisfy the regulations. Council consideration of the bids is scheduled for May 4, 2010.

As noted in a previous memo, additional funding of approximately \$400,000 would be necessary to supplement Federal ARRA grant funds. Staff is currently working with Anoka County and the City of Anoka to secure additional funding. If these funds are not secured, the project would either have to be abandoned or resubmitted in future years for grant funding.

Mayor Howe explained that Council wished only to continue with this project with the proper funding. Public Services Director Gatlin reviewed the current financial estimates of the project in detail stating the City was currently over budget. The City would continue to seek additional grants to complete the project but at this time funding was \$230,000 short.

Mayor Howe questioned if the County could be approached for additional funds. Public Services Director Gatlin noted the County was willing to commit funds to the bridge improvements and stated he would speak with them again to gain additional support.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT AMENDED RESOLUTION NO. 06-48(8B) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE MAIN STREET TRAILWAY FROM ROUND LAKE BOULEVARD TO WEDGEWOOD DRIVE.

Councilmember Sanders questioned if the Council was committing to fund the project by ordering the plans and specs. Public Services Director Gatlin stated this item would come back to the Council at a future meeting requesting additional funding. At that time, the Council would then need to commit MSA funds or deny the project.

THE MOTION PASSED UNANIMOUSLY.

7. CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS, 2010 STREET MAINTENANCE MATERIALS CONTRACT, PROJECT 10-5

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Public Services Director Gatlin presented a memo to Council stating staff is again proceeding with a regional street maintenance materials contract. Council is requested to approve plans and specifications and order advertisement for bids for the project.

The City of Coon Rapids serves as lead agency for the North Metro Regional Street Maintenance Materials Group. The group of cities involved includes Andover, Brooklyn Center, Columbia Heights, Coon Rapids, East Bethel, Fridley, and Ham Lake. In 2010 the City of Anoka will be joining the group. The plans and specifications include street maintenance material items and services as done in the past. Services include sealcoating, traffic markings, street sweeping, crack sealing, and sewer televising services.

Plans and specifications have been completed and Council approval is required at this time. Bids will be received on February 26, 2010 and consideration for awarding the contract on April 6, 2010. The cities then have 60 days to decide whether or not they wish to proceed. The work will begin in early June. We anticipate a completion date for work in all cities on or about September 1 for sealcoating and crack sealing. Pavement markings and street sweeping will continue beyond September 1 and possibly into the spring of 2011.

Comments have been solicited from other cities regarding the plans and specifications and their comments have been received. The plans are presented for Council approval so that advertisement for bids can proceed.

As noted in the past, the Regional Street Maintenance Materials Program has saved the City considerable amounts of money in the purchasing of street maintenance materials and services. We will continue to provide these services in this matter. All funding for maintenance operations have been included in the appropriate budgets.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 10-5(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE 2010 STREET MAINTENANCE MATERIALS CONTRACT.

Mayor Howe requested staff arrange for a meeting with the Blaine City Council to discuss the consortium. City Manager Fulton stated he would speak with the City of Blaine. In addition, he explained that staff was developing additional purchasing consortiums with the North Metro Mayors Association for large items purchased by cities. Additional information would come before the Council in the next month.

THE MOTION PASSED UNANIMOUSLY.

8. ASSESSMENT OF COSTS FOR PUBLIC SIDEWALK CONSTRUCTION ON NORTHDALÉ BOULEVARD NEAR RIVERDALE NORTHSTAR COMMUTER RAIL SITE; PROJECT 09-26
    - A. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED
    - B. CONSIDER RESOLUTION ADOPTING ASSESSMENTS
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City Engineer Vierzba presented a memorandum to Council stating the Anoka County Regional Rail Authority (ACRRA) petitioned the City to install public concrete sidewalk along the westerly side of Northdale Boulevard adjacent to their property and to assess the costs to their site. Construction of the sidewalk was completed in 2009 and Council can proceed to approve the assessment of costs.

ACRRA requested that 1,000 feet of public sidewalk be completed in 2009, prior to the opening of Northstar commuter rail service in November. This was the only missing segment of sidewalk in the area of the Northstar rail site. Normally, this sidewalk would have been required to be installed by the developer at the time of development of the site. Council ordered the project on August 18, 2009 and construction of the sidewalk took place under City contract in September. ACRRA agreed to be assessed for the project cost of \$22,517.86 which will be spread over a 5-year period with an interest rate of 3.05%.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT RESOLUTION NO. 09-26(10) DECLARING THE COST TO BE ASSESSED AND RESOLUTION NO. 09-26(12) ADOPTING THE ASSESSMENT. THE MOTION PASSED UNANIMOUSLY.

9. ADVISORY COMMISSION APPOINTMENTS
  - A. CONSIDER RESOLUTION 10-16 APPROVING THE REAPPOINTMENT OF THREE MEMBERS, DECLARE TWO VACANCIES, AND APPOINT A CHAIR AND VICE CHAIR FOR 2010 TO THE ARTS COMMISSION

- B. CONSIDER RESOLUTION 10-13 APPROVING THE REAPPOINTMENT OF TWO MEMBERS AND APPOINTING A CHAIR FOR 2010 TO THE BOARD OF ADJUSTMENT AND APPEALS
  - C. CONSIDER RESOLUTION 10-17 APPROVING THE REAPPOINTMENT OF TWO MEMBERS, DECLARE ONE VACANCY, AND APPOINT A CHAIR AND VICE CHAIR FOR 2010 TO THE HISTORICAL COMMISSION.
  - D. CONSIDER RESOLUTION 10-15 APPROVING THE REAPPOINTMENT OF FOUR MEMBERS, DECLARE ONE VACANCY, AND APPOINT A CHAIR FOR 2010 TO THE PARKS AND RECREATION COMMISSION
  - E. CONSIDER RESOLUTION 10-14 APPROVING THE REAPPOINTMENT OF ONE MEMBER AND APPOINTING A CHAIR FOR 2010 TO THE POLICE AND FIREFIGHTER'S CIVIL SERVICE COMMISSION
  - F. CONSIDER RESOLUTION 10-20 APPROVING THE REAPPOINTMENT OF THREE MEMBERS AND APPOINTING A CHAIR FOR 2010 TO THE PLANNING COMMISSION
  - G. CONSIDER RESOLUTION 10-21 APPROVING THE REAPPOINTMENT OF THREE MEMBERS, APPOINTMENT OF TWO NEW MEMBERS, AND APPOINTING A CHAIR FOR 2010 TO THE SAFETY COMMISSION
  - H. CONSIDER RESOLUTION 10-31 DECLARING A VACANCY ON THE SUSTAINABILITY COMMISSION
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City Manager Fulton presented a memo to Council stated each year the Council approves annual appointments to the City's Boards and Commissions. The following appointments for upcoming terms as well as Chairs and Vice Chairs for each Commission are as follows:

- a. Arts Commission: Five terms expired on this Commission on December 31, 2009: Diane Krueger, Lewis Peterson, Jennifer Stone, Jim Ulwelling, and Liz Werner. The Commission recommends the reappointment of Mr. Peterson, Ms. Stone, and Mr. Ulwelling, with terms expiring December 31, 2012. Ms. Krueger and Ms. Werner are not seeking reappointment. In addition, the Commission recommends the reappointment of Mary Ann Kehn as Chair and Charles Pitts as Vice Chair. After these appointments, four vacancies will exist on this Commission.
- b. Board of Adjustment and Appeals: Two terms expired on this Board on December 31, 2009: Jeanette Rosand and Aaron Vande Linde. Both are seeking reappointment with terms expiring December 31, 2012. In addition, the Board recommends Gary Wessling be reappointed as Chair. After these appointments there will be no vacancies on the Board.
- c. Historical Commission: Three terms expired on this Commission on December 31, 2009: Elinor Lubbers, Robert Powell, and Ronald Wendel. The Commission recommends the reappointment of Mr. Powell and Mr. Wendel; Ms. Lubbers is not seeking reappointment. In addition, the Board recommends Tracy Ekberg be appointed as Chair and Betty Wilbur as Vice Chair. After these appointments there will be one vacancy on this Commission.
- d. Parks and Recreation Commission: Four terms expired on this Commission on December 31, 2009: Tim Arntson, Michael Jacobson, Gen Sand, and Peter Yelle. In addition, Jen Graham has submitted her resignation, with a term to expire December 31, 2010. The Commission recommends reappointment of all expiring terms, as well as the reappointment of Mr. Arntson

- as Chair. After these appointments there will be one vacancy on the Commission.
- e. Planning Commission: Three terms expired on this Commission on December 31, 2009: Denise Hosch, Theo Peterson, and Julia Stevens. The Commission recommends reappointment of all members, as well as reappointing Donna Naeve as Chair. After these appointments no vacancies will exist on this Commission.
  - f. Police and Firefighter's Civil Service Commission: One term expired on this Commission on December 31, 2009: Al Hofstedt, and he would like to be reappointed. Per State Statute, the Commissioner whose term expires in the current year is appointed Chair, who will be Jerry Wright. After this appointment there will be no vacancies on the Commission.
  - g. Safety Commission: Four terms expired on this Commission on December 31, 2009: Jeffrey Abraham, Al Hofstedt, Sean Novack, and Jeffrey Potts. The Commission recommends the reappointment of Mr. Abraham, Mr. Hofstedt, and Mr. Novack. Mr. Potts is not seeking reappointment, and in addition Shawn Chamberlain has submitted his resignation with a term to expire December 31, 2011. The Commission recently interviewed several new applicants and would like to recommend the appointment of Christopher Snell with a term to expire December 31, 2012, and Rita Waxon to complete Mr. Chamberlain's term expiring December 31, 2011. In addition, the Commission recommends reappointment of Dwayne Beecher as Chair. After these appointments there will be no vacancies on the Commission.
  - h. Sustainability Commission: Due to schedule changes, Charmaine Cavin has submitted her resignation from this Commission on December 7, 2009. Staff is currently seeking applicants for this vacancy, and will bring forward a recommendation in the near future. This Commission will have one vacancy.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, FOR ADOPTION OF RESOLUTION 10-16 (ARTS COMMISSION), RESOLUTION 10-13 (BOARD OF ADJUSTMENT AND APPEALS), RESOLUTION 10-17 (HISTORICAL COMMISSION), RESOLUTION 10-15 (PARKS AND RECREATION COMMISSION), RESOLUTION 10-14 (POLICE AND FIREFIGHTER'S CIVIL SERVICE COMMISSION), RESOLUTION 10-20 (PLANNING COMMISSION), RESOLUTION 10-21 (SAFETY COMMISSION) AND RESOLUTION 10-31 (SUSTAINABILITY COMMISSION).

Commissioner Schulte questioned if this was the time to discuss a new Civil Service Commission appointment. Mayor Howe noted there was a training process that had to take place and that the appointment would be made at a future meeting.

THE MOTION PASSED UNANIMOUSLY.

## 10. OTHER COUNCIL BUSINESS

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Councilmember Sanders stated he would be out of town for the March 16<sup>th</sup> meeting along with Mayor Howe. He questioned if the Council would be in favor of changing the Council meeting from March 16<sup>th</sup> to March 23<sup>rd</sup>.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KLINT, TO RESCHEDULE THE MARCH 16TH COUNCIL MEETING TO MARCH 23RD. THE MOTION PASSED UNANIMOUSLY.

Councilmember Schulte indicated there were 60 new jobs being created at Federal Cartridge and encouraged local people to apply. He stated this was a great company that was booming in the poor economy.

Mayor Howe explained that Coon Rapids residents currently make up the largest percentage of workers at Federal Cartridge.

#### 11. ADJOURN

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MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER SCHULTE, TO ADJOURN THE MEETING AT 7:28 P.M. THE MOTION PASSED UNANIMOUSLY.

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Tim Howe, Mayor

ATTEST:

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Joan A. Anderson, City Clerk