

COON RAPIDS CITY COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

OPEN MIC/PUBLIC COMMENT

Kristopher Olson, 649 Sand Creek Drive, stated he submitted an application for the Charter Commission and was wondering what the process for appointment is. He had received some feedback and would like the six vacancies appointed before the Charter Commission's next meeting. He further expressed growing concerns with Open Mic not being televised and recommended Council organize a work force session to hear concerns about Open Mic not being televised.

Mayor Howe stated a Councilmember would have to bring that idea forward for his recommendation to occur.

Jerry Pierce, 12236 Partridge Street NW, stated he did not think he received direct answers to his questions posed at the February 3 Open Mic. He felt Amcon would use non-union labor and felt that would be a big mistake on the golf course because it would lose business when people learned it was built with non-union labor. Mr. Pierce stated he would prefer to have buildings built by qualified people. He expressed concern about the City Hall construction process and mentioned several areas of concern he was aware of. Mr. Pierce felt a general contractor would catch construction problems as they arose. He requested Council to take a good look at why Amcon is being recommended and to take control of what is going on.

CALL TO ORDER

The second regular meeting of the Coon Rapids City Council for the month of February was called to order by Mayor Tim Howe at 7:10 p.m. on Tuesday, February 16, 2010, in the Council Chambers.

ROLL CALL

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

Members Absent: Councilmember Bruce Sanders

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ADOPT AGENDA

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

2. CONSIDER APPROVAL OF MINUTES OF FEBRUARY 3, 2010 COUNCIL MEETING

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE MINUTES OF THE FEBRUARY 3, 2010, COUNCIL

MEETING. THE MOTION PASSED UNANIMOUSLY.

3. CONSENT AGENDA:
 - A. CONSIDER RESOLUTION 10-32 RESCHEDULING MARCH 16, 2010, COUNCIL MEETING TO MARCH 23, 2010
 - B. AUTHORIZE FINAL PAYMENT, PROJECT 09-1, STREET RECONSTRUCTION
 - C. AUTHORIZE FINAL PAYMENT, PROJECT 09-27, CRESCENT PONDS 4TH ADDITION
 - D. AUTHORIZE PURCHASE OF PUMPER TRUCK
 - E. AUTHORIZE PURCHASE OF FILTER MEDIA
 - F. AUTHORIZE COMCAST TO IMPLEMENT A REVISED ADMINISTRATIVE LATE FEE STRUCTURE
 - G. APPROVE SITE LEASE AGREEMENT WITH CLEARWIRE WIRELESS, LCC, FOR WOODCREST PARK, 901 103RD AVENUE NW
 - H. APPROVE PROPOSED PLAN FOR 17 NEW STREET LIGHTS ON MAIN STREET AND SHENANDOAH BOULEVARD, PROJECT 07-36
 - I. APPROVE CONTRACT FOR WEED ABATEMENT SERVICES
 - J. INFORMATIONAL ITEMS:
 1. RECEIVE SEMI-ANNUAL GAMBLING EXPENDITURE REPORTS
 2. PROPOSED NEW TRAFFIC SIGNALS FOR 2010 CONSTRUCTION
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Councilmember Schulte indicated there were several items he would like to further discuss before considering the Consent Agenda. He expressed concern about Item 3D as the City only received one quote, coming in slightly over budget. Councilmember Schulte suggested staff request several more bids before proceeding with this purchase. Mayor Howe agreed with this suggestion.

Fire Chief Piper explained that the City wrote very tight specifications for the pumper truck to serve the needs of the community. He stated six bids were sent out and the City only received one quote. The City has worked with Pierce in the past and this company manufactures extremely high quality pieces of equipment. Staff was comfortable with the competitive bid provided by Pierce.

Councilmember Schulte indicated the Filter Media bid came in \$6,000 over budget. He expressed frustration with using one vendor and the price setting on this item.

Councilmember Schulte also expressed concern with Item 3I, the weed abatement contract. He indicated Paragraph 6 within the agreement would need editing and should read: "The Contractor agrees that when abatement occurs on multiple adjacent parcels of property, ~~under the same ownership~~, the contractor will be paid on an hourly basis, \$110 per hour as noted in Paragraph 5 and not on a per parcel basis". Councilmember Schulte suggested there be a performance standard within the agreement as well.

City Manager Fulton indicated the City received numerous proposals, several local. However, the chosen contractor has experience in neighboring communities and came with high recommendations.

Councilmember Sidoti questioned if a trip charge was included within the fee schedule in the agreement and if it was pro-rated for quarter hours. Neighborhood Coordinator DeGrande explained each property would be charged \$110 for mowing as opposed to \$128 last year.

Councilmember Klint felt Item 4 within the agreement could create confusion as it allowed the contractor 10 days after notice from the City to proceed with mowing. She explained that property owners could mow the site before that 10 day-period and still be charged a trip fee. Neighborhood Coordinator DeGrande explained there was only a three-day notice to proceed within the final contract.

Councilmember Sidoti requested the Council receive a copy of the final contract for further review before this item is voted on.

Mayor Howe suggested Item 3I be removed from the Consent Agenda. He requested staff only place items on the Consent Agenda that require no discussion.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER SCHULTE, TO REMOVE ITEM 3I FROM THE CONSENT AGENDA AND TABLE THE DISCUSSION TO THE NEXT MEETING. THE MOTION PASSED UNANIMOUSLY.

Councilmember Johnson suggested the Council further review the specifications on the pumper truck to gain a greater understanding on the equipment needed by the Fire Department. He questioned if the City was operating under the best model based on the current equipment.

Councilmember Klint asked if the City would be paying twice for the signal near the Northstar Rail Station due to the fact a temporary signal was proposed at this time. Public Services Director Gatlin explained the signal was necessary to control the traffic in and out of the Riverdale station stop. He noted there may be some cost sharing or credit from the County when the signal was replaced in the future. City Engineer Vierzba clarified the City would be responsible for two-thirds of the intersection.

Councilmember Schulte questioned if the Rail Authority could assist with the cost of the signal. City Engineer Vierzba noted the Rail Authority would be responsible for one-third of the expense.

Councilmember Klint expressed frustration that the City would be paying two-thirds of this traffic signal now only to have it moved in several years, requiring additional expenses. She questioned if the City could hold off on the traffic signal until the site was developed.

Councilmember Johnson indicated the signal was a safety issue and felt the Rail Authority or Anoka County should be assisting with the expense. He suggested staff further negotiate the expense of the light with the Rail Authority and Anoka County.

Councilmember Schulte agreed with these comments and stated the traffic signal was a safety concern that needed to be addressed before the site was developed.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, FOR APPROVAL OF THE CONSENT AGENDA, ITEMS 3A THROUGH 3H, AND ITEM 3J(1,2), REQUESTING STAFF APPROACH THE RAIL AUTHORITY OR ANOKA COUNTY TO CONSIDER A NEW COST SHARE AGREEMENT FOR THE PROPOSED TRAFFIC SIGNAL ENTERING THE NORTHSTAR RAIL STATION.

Councilmember Schulte stated he would be speaking with staff further regarding the gambling expenditure report.

Councilmember Johnson indicated he would be visiting with Fire Chief Piper further regarding the pumper truck.

THE MOTION PASSED UNANIMOUSLY.

4. OPEN MIC REPORTS

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

A. JERRY PIERCE, 12236 PARTRIDGE STREET, RE: QUESTIONS ON PROJECTS

Public Services Director Gatlin explained that Jerry Pierce appeared at Open Mic at the February 3rd Council meeting with questions regarding the construction manager selection process for the community center and Bunker Hills. Staff reviewed the answers to Mr. Pierce's questions in detail.

Based on Council direction staff will conduct a selection process for a construction manager to assist the design team in completion of preparation of bidding documents and solicitation for bids and construction management services during construction of the ice arena. The request for proposals will focus on ice arena experience since the project has now been identified as a stand-alone ice arena. The original proposal focused on a multi-use recreation complex as was originally planned for our community center.

5. CONSIDER RESOLUTION REJECTING BID FOR MAIN STREET/CSAH 14 BIKE PEDESTRIAN TRAIL IMPROVEMENTS, PROJECT 06-48

Public Services Director Gatlin presented a memorandum to Council stating that on February 3rd bids were opened for the Main Street railway project. One bid was received from PCI Roads, LLC in the amount of \$718,418.05. The engineer's estimate for this project was \$666,297. The low bid is approximately \$52,000 over the engineer's estimate, or eight percent above the estimated figure.

At the time Council approved plans and authorized the advertisement for bids, staff was directed to

discuss project funding with Anoka County and the City of Anoka. Anoka County originally agreed to fund the costs for bridge expansion joint replacement and the County Board approved cost participation at a figure somewhere between \$100,000 and \$200,000, depending on final bid prices. Also, the City of Anoka agreed to contribute \$60,000 to fund the project. Based upon those funding agreements the following is a Main Street railway funding summary based on PCI's final bid prices, the original grant amount, and the agency funding commitments. As can be seen, there still remains an unfunded amount of approximately \$244,000. If the project were to proceed this would have to be funded using Municipal State Aid funds. Engineering costs are not a grant eligible item so all design and construction engineering would have to be funded from State Aid funds.

ITEM	ORIGINAL GRANT	ANOKA COUNTY	COON RAPIDS
Mobilization	\$ 9,000		\$ 78,150
Traffic Control	\$ 7,250		\$ 6,000
Bridge Median/Pavement	\$ 33,085		\$ 89,179
Bridge Rail/Barrier	\$ 42,536		\$ 66,327
Expansion Joints	\$ 10,000	\$186,575	
Roadway Improvements	\$ 59,740		\$181,362
Trail Improvements	\$ 66,650		\$110,819
Design Engineering			\$106,400
Construction Engineering			\$100,000
TOTAL	\$228,261	\$186,575	\$738,237

Total Project Cost	\$ 924,812	
ARRA Funds	\$ 228,261	(25%)
Anoka County	\$ 186,575	(20%)
City of Anoka	<u>\$ 60,000</u>	(6%)
Balance	\$449,976	
Engineering:		
Coon Rapids (MSA)	<u>\$206,400</u>	(22%)
UNFUNDED AMOUNT:	\$243,576	(26%)

Staff has discussed the results of the bid with the contractor and Anoka County staff. Because of the very labor intensive nature of the project and the fact that major structural modifications were required to the bridge, the number of eligible bridge bidders was limited. PCI was the only firm interested in the work because of the small dollar volume and the very specialized nature of the project. We were disappointed to receive only one bid and had hoped to have at least two or three bids.

Following receipt of the bids, Anoka County engineering staff considered alternatives for the project. They believe a simple five foot sidewalk is more appropriate than the original railway

project. This was the original concept proposed by the City when we considered the early project but, because of state and federal requirements for funding, the five foot sidewalk was widened to an eight foot trailway. The County no longer is willing to contribute financially to the project because of the high cost and disturbance to the bridge. They now believe that a simpler sidewalk project is more appropriate. They have agreed to design and build the project and the City's original engineering plans could be used to prepare construction plans. The width of the trail would be reduced to five feet and all bridge median removals and bridge repaving would be eliminated. The City of Anoka's contribution of \$60,000 would still be made and Coon Rapids' contribution would include the previous contribution for engineering and construction engineering assistance.

On this basis Anoka County feels the bid should be rejected and the project redesigned. They support the concept of a narrow sidewalk on the bridge to improve pedestrian safety.

The federal and state transportation review agencies are seeking a decision from the City prior to March 1st. They would like to know whether or not the City will proceed with the federal grant or return the funds. Based upon Anoka County's position it seems appropriate at this time that the bid be rejected, the grant funds returned, and we proceed with a simpler project. Anoka County has agreed to take the lead on the project. They would prepare plans for the project, take bids, and ask the City to support them with some construction engineering services. The project would be State Aid eligible and Anoka County's engineering staff has tentatively estimated the project cost to be \$200,000 to \$250,000. An actual cost split for the sidewalk has not yet been proposed, but the County has agreed they would give the City credit for all engineering expenses to date towards total project costs.

Funding for engineering services for the project is State Aid eligible and will be funded by State Aid. Any City cost participation for future project construction costs would be State Aid eligible and funded using State Aid funds. Once the revised project is designed, a final construction estimate will be available.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER SCHULTE, TO ADOPT RESOLUTION 06-48(9) REJECTING THE BID FROM PCI ROADS, LLC IN THE AMOUNT OF \$718,418.05.

Mayor Howe explained the Council requested further funding source options from staff but the suggested sidewalk width requirements within the Federal grant was substantially altering the feasibility of the project. Public Services Director Gatlin indicated the City would be returning the Federal funds for this project. Anoka County will now assume the project using the City's plans for a scaled down project.

Mayor Howe suggested that the City of Anoka be informed as to the changes on this project. Public Services Director Gatlin noted the City of Anoka would be contacted and that the County was hoping to use the \$60,000 allocation on the sidewalk project.

THE MOTION PASSED UNANIMOUSLY.

6. ASSESSMENT OF COSTS FOR PUBLIC IMPROVEMENTS, CRESCENT PONDS 4TH ADDITION, 124TH LANE EAST OF FLINTWOOD STREET, PROJECT 09-27:
 - A. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED
 - B. CONSIDER RESOLUTION ADOPTING THE ASSESSMENT
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City Engineer Doug Vierzba presented a memorandum to Council explaining public improvements have been completed for 18 new lots within Crescent Ponds 4th Addition located south of Main Street and east of Flintwood Street. Council is requested to approve the assessment of costs to the new lots.

Pulte Homes had been the developer of this plat until the land was sold to Signature Ventures, LLP in 2009. The entire area has been approved for 80 new lots but this first phase of construction serves 18 lots, located just east of Flintwood Street. Signature Ventures petitioned the City to install the street under City contract and the work was completed in October. The developer had previously installed the City utilities in August with his own contractor per an agreement with the City. All improvements were engineered and inspected by the City. It is proposed to assess the street costs and also activate past assessments that were postponed including watermain trunk, sanitary sewer trunk, and past engineering costs. The assessment would be made over a 5-year period with an interest rate of 3.05%.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION 09-27(10) DECLARING COSTS TO BE ASSESSED FOR CRESCENT PONDS 4TH ADDITION IN THE AMOUNT OF \$176,408.10 AND ADOPT RESOLUTION 09-27(12) ADOPTING THE ASSESSMENT. THE MOTION PASSED UNANIMOUSLY.

7. 2010 STREET RECONSTRUCTION PROGRAM, VARIOUS RESIDENTIAL STREETS, PROJECT 10-1:
 - A. CONSIDER RESOLUTION ACCEPTING FEASIBILITY REPORT AND ORDER PUBLIC HEARING FOR APRIL 6, 2010
 - B. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDER PREPARATION OF PROPOSED ASSESSMENT ROLL
 - C. CONSIDER RESOLUTION SETTING ASSESSMENT HEARING FOR APRIL 6, 2010
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City Engineer Vierzba presented a memorandum to Council stating staff has prepared a feasibility report for the proposed reconstruction of several streets within the City as listed below.

The City is proposing to reconstruct several streets and to assess a portion of the cost to adjacent property owners as part of the 2010 Street Reconstruction Program in accordance with the City's policy approved by Council in 1997. Council ordered preparation of a feasibility report on January

19, 2010. These streets were chosen for reconstruction in 2010 by the City Engineering Division based on their condition rating. The City Engineering Division completed a condition rating of all streets within the City in 2009 to allow for a planned program over the next five years. The 5-year plan may be modified as streets are reviewed for the following year's program. It is the intent to always have a 5-year plan available for review. The condition rating program completed in 2009 indicated that there are many miles of City streets that are in need of repair. The City should increase the miles of street to be reconstructed to 6-7 miles per year to keep the street system in reasonable condition into the future. Last year the City reconstructed 4.3 miles. This year, 6.3 miles are proposed for reconstruction.

The project consists of sign replacement, replacement of existing concrete curb and gutter in need of repair, and paving a new surface on streets in the following areas:

1. Hidden Pines/Cardinal Heights area – Located north of 121st Avenue and west of Hanson Boulevard.
2. Sherbrook area – Located south of 121st Avenue and east of Hanson Boulevard
3. Sand Creek Woods 5th Addition – Located south of 121st Avenue and east of Xeon Street
4. Coon Rapids Boulevard frontage road – East of Hanson Boulevard to Egret Boulevard
5. 105th Lane – East of Hanson Boulevard to Jay Street
6. 103rd Avenue/Flamingo Street cul-de-sac – Hummingbird Street to Egret Boulevard
7. Parkside Addition – South of 99th Avenue and west of Foley Boulevard
8. Juniper Street – East of Foley Boulevard and north of Coon Rapids Boulevard

The total estimated cost of the proposed street reconstruction project is \$1,650,000. The project is necessary if the City is to keep the City's street system in good condition. The project is cost effective and is feasible to construct. The City would assess \$837,882.85 to the benefitting properties. The City would pay the balance from various funds-- \$802,117 from the Street Reconstruction Fund—Activity 797 and \$10,000 from the Storm Water Utility fund—Activity 640. The City share of approximately \$812,000 would result in an annual tax levy of approximately \$200,000 if bonds are sold and paid over a 5-year period beginning in 2011.

The project will affect 460 single-family lots, 74 duplex units, 169 townhome units, 3 apartment sites, the School District property along the frontage road (LO Jacob School), and 7 commercial sites, including the VFW. City staff will hold an informational meeting with residents prior to the public hearing scheduled on April 6, 2010. The informational meeting should answer the common questions that residents might have so that dozens of people do not attend the April 6th Council meeting when the public hearing and assessment hearing will be held. Assessment rates can be approved by Council on April 6th, prior to construction, because the assessment rates are set by Council and are not dependent on actual construction costs like most development projects. Therefore, there would be no need to hold another public hearing after construction. All residents were notified by letter of this proposed project in December, 2009. Of the 714 property owners notified of the project and proposed assessment, only one phone call has been received from a resident that was not in favor of the project. This was a resident who felt he should not have to pay for the City street that he does not drive on. He felt the City should help pay for his private

townhome street.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT RESOLUTION 10-1(4) ACCEPTING THE FEASIBILITY REPORT AND ORDERING A PUBLIC HEARING TO BE HELD ON APRIL 6, 2010; TO ADOPT RESOLUTION 10-1(10) DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL; AND TO ADOPT RESOLUTION 10-1(11) SETTING THE ASSESSMENT HEARING DATE FOR APRIL 6, 2010.

Councilmember Schulte questioned how assessments were calculated between single family homes and townhomes. City Engineer Vierzba explained townhomes were assessed on a per unit basis based on the street frontage of the association and then multiplied by the basic residential rate. This figure was then spread equally between each unit.

Councilmember Schulte did not want to see the City overly assess the associations, as many already maintain private roadways. However, the way the City fees were divided equally among the units created a fair scenario for all parties involved.

THE MOTION PASSED UNANIMOUSLY.

8. PROPOSED DRIVEWAY PAVING PROGRAM, LOCATIONS THROUGHOUT THE CITY, PROJECT 10-6:
 - A. CONSIDER RESOLUTION ORDERING PREPARATION OF A FEASIBILITY REPORT
 - B. CONSIDER RESOLUTION ORDERING PREPARATION OF PLANS
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City Engineer Vierzba presented a memorandum to Council stating City staff is proposing that Council consider a residential driveway paving program in 2010.

City Code requires that all residential driveways be paved. In 2003, the City proceeded with a driveway paving program (Project 02-24) and over 50 driveways were paved. Unpaved driveways still remain on some properties throughout the City. These homes are generally 50+ years old, built before the City required paved driveways as part of a building permit. The City has sent informational letters to 56 property owners who were listed as not having a paved driveway by Code Enforcement personnel. Owners were asked if they would be interested in being part of a City project whereby the City would contract for the paving work and all costs would be assessed to the owner's property over a 5-year period. The City has received responses from 20 owners who are interested in the program. Six owners responded that their driveway had already been paved. The list of unpaved driveways was over a year old, so some driveways may have been paved recently.

The next step in the process would be for the Engineering Division to meet with the property owners after the snow has melted to determine what work is needed and prepare a cost estimate for the owners. Property owners would then be asked to sign a waiver of public hearing rights, agreeing to

be assessed, and granting permission for the City and City contractor to enter their property to perform the work. The City Engineer Division would then prepare the feasibility report based on the cost estimates and waivers from property owners. Council could then order the project, approve plans, and receive bids. Construction could take place this construction season and then final costs assessed by Council later this year.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION 10-6(3) ORDERING PREPARATION OF A FEASIBILITY REPORT FOR THE PROPOSED DRIVEWAY PAVING PROGRAM, AND ADOPT RESOLUTION 10-6(6) ORDERING PREPARATION OF PLANS.

Councilmember Klint questioned if the City drafted letters to all affected property owners. City Engineer Vierzba noted the City did initiate contact with the property owners and explained staff would meet with each homeowner to draft a pavement plan.

THE MOTION PASSED UNANIMOUSLY.

**9. CONSIDER INTRODUCTION OF ORDINANCE AMENDING CITY CODE;
REPEALING CHAPTER 13-100, PRIVATE WELLS**

City Building Official Whitney presented a memorandum to Council stating City Code Chapter 13-100 contains provisions for local regulation of private wells which is now handled exclusively by the State.

By statute the Minnesota Department of Health has full authority to regulate well construction, repair, and sealing. The language in Chapter 13-100 is outdated and should be repealed.

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

**10. OTHER COUNCIL BUSINESS
A. SCHEDULE COUNCIL WORK SESSION**

City Manager Fulton indicated staff needed a recommendation from Council to schedule a work session meeting on Tuesday, February 23, 2010, at 6:30 p.m., to update the Council on the proposed ice arena project. In addition, the Sustainability Commission will be invited to attend the first part of the meeting in order to participate in a discussion on the proposed federal stimulus energy improvements outlined by McKinstry Engineers as well as goals for the Commission.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER LARSON, TO RECOMMEND STAFF SCHEDULE A WORK SESSION ON TUESDAY, FEBRUARY 23, 2010, AT 6:30 P.M. THE MOTION PASSED UNANIMOUSLY.

Councilmember Johnson encouraged the residents to take part in the upcoming Arts Commission

Winter Concerts. He noted the next events were scheduled for March 11th and April 8th. He thanked the Arts Commission for all their efforts to inform and entertain the community.

Mayor Howe explained the City completed another successful Snowflake Days celebration. He attended the pageant, which was full of extremely talented candidates, along with the pancake breakfast.

11. ADJOURN

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER LARSON,
TO ADJOURN THE MEETING AT 7:59 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Joan A. Anderson, City Clerk