

COON RAPIDS CITY COUNCIL MEETING MINUTES OF AUGUST 4, 2010

OPEN MIC/PUBLIC COMMENT

Jerry Pierce, 12236 Partridge Street NW, voiced his perception that Mayor Howe was campaigning during Council meetings. He inquired about the City's acquisition and sale of 12248 Partridge Street NW and the net result of the sale. He questioned scheduling the Bunker Hills groundbreaking ceremony during the state high school golf tournament. He expressed his concern about the Kwik Trip project being built with non-union labor and felt Coon Rapids citizens lost job opportunities on the project. Mr. Pierce accused certain Councilmembers of engaging in inappropriate name calling.

CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of August was called to order by Mayor Tim Howe at 7:05 p.m. on Wednesday, August 4, 2010, in the Council Chambers.

ROLL CALL

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

Members Absent: None

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ADOPT AGENDA

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT THE AGENDA ADDING ITEMS 3E AND 6B. THE MOTION PASSED UNANIMOUSLY.

2. CONSIDER APPROVAL OF MINUTES:
- A. JULY 20, 2010, WORK SESSION
 - B. JULY 20, 2010, COUNCIL MEETING
-

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE MINUTES OF THE JULY 20, 2010, WORK SESSION MEETING, AMENDING PARAGRAPH 4 ON PAGE 1, ADDING "COUNCILMEMBER KLINT COMMENTED THAT SHE LIKED THE PLANS AND THANKED THE COLLEGE FOR SHARING THE PLANS WITH THE COUNCIL." THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER NELSON, FOR APPROVAL OF THE MINUTES OF THE JULY 20, 2010, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

3. CONSENT AGENDA:
 - A. AUTHORIZE ADVERTISEMENT FOR BIDS FOR BID PACKAGE #2, BUILDING CONSTRUCTION COON RAPIDS ICE ARENA, PROJECT 10-12
 - B. CONSIDER RESOLUTION 10-84 DEDICATING CITY OWNED PROPERTY FOR PROJECTS PURPOSES, MAIN STREET TRAIL
 - C. ACCEPT PETITION FOR VACATION OF STREET EASEMENT FOR A PORTION OF 311 NORTHDALÉ BOULEVARD AND ORDER PUBLIC HEARING FOR SEPTEMBER 7, 2010, LYLE CLEMENSON (CEI)
 - D. RECEIVE GAMBLING EXPENDITURE REPORTS FOR JANUARY – JUNE, 2010
 - E. APPROVE REVISED CONTRACT WITH METROPOLITAN COUNCIL FOR ADMINISTRATION OF SECTION 8 RENTAL ASSISTANCE PROGRAM
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MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

4. BENNIGAN'S GRILL & TAVERN, 3590 RIVER RAPIDS DRIVE
 - A. PUBLIC HEARING, 7:00 P.M.
 - B. CONSIDER APPEAL OF LIQUOR LICENSE VIOLATION PENALTY
-

City Clerk Anderson presented a memorandum to Council stating Den-Way, Inc has appealed the penalty for a liquor license violation at Bennigan's Grill Tavern, 3590 River Rapids Drive.

Bennigan's 2:00 a.m. license, which is issued by the State, expired on May 26, 2010. In mid March a letter was sent from the City to the corporate office reminding them of the local fee due at the time of renewal. Approximately 60 days before expiration, the State sends the renewal form to the restaurant.

Several times during early June, Kris Linqvist, Deputy City Clerk, had conversations with the corporate office regarding the expired 2:00 a.m. license, the process to get it renewed, and reminding them Bennigan's needed to abide by the 1:00 a.m. closing until the license was renewed.

On June 13, 2010, at 1:15 a.m. Sergeant Smith went to Bennigan's and observed customers being served alcohol. His report is attached.

City Code 224(2) imposes a \$1,000 fine and seven day liquor license suspension for after hour sale of alcoholic beverages. On June 30th, Den-Way, Inc. was notified of the violation and resulting penalties. On July 8th, the attached appeal was received.

Pursuant to City Code 5-218(3) Den-Way, Inc. is entitled to a hearing before the City Council. Payment of the fine and license suspension is pending Council's decision on the matter.

Upon a finding of a liquor license violation, Minnesota Statutes 340A.415 allows the issuing authority to revoke a license, suspend a license for up to 60 days, impose a civil penalty of up to \$2,000, or any combination of these sanctions for each violation.

If Council imposes a license suspension, the dates would be coordinated with staff, and they must be consecutive and concluded within 60 days. Fines are payable within ten days.

Mayor Howe questioned if Bennigan's had reapplied for the 2:00 a.m. liquor license. City Clerk Anderson explained the restaurant renewed their license with the State on June 16, 2010.

Mayor Howe opened the hearing at 7:08 p.m.

David Boozary, CEO of Den-Way, Inc., explained there was some confusion between the City and State licensing processes. He indicated he wrote the letter requesting an appeal to defend the local managers as they were not aware of the license lapse. He stated Bennigan's has been in operation since 2000 and has not had any violations to date. He requested the Council waive the fines against Bennigan's.

Bernie Klarkowski, manager of Bennigan's in Coon Rapids, stated the suspension would affect all of his employees and would take money out of their pockets. He requested the Council reconsider the fine as Bennigan's was very involved in the community.

Mayor Howe closed the hearing at 7:13 p.m.

Mayor Howe indicated a violation with a liquor license allows the City to impose fines, or to revoke or suspend a license. He explained the City recommends a \$1,000 fine and a seven-day suspension of the liquor license. He stated the circumstances behind this case were difficult, and Bennigan's was one of the first restaurants to approach the City requesting the 2:00 a.m. license. He did not feel the lapse was done intentionally. Mayor Howe suggested the fine be reduced but not eliminated and that the license not be suspended for seven days. He felt a \$500 fine should be imposed.

Councilmember Nelson agreed to the \$500 fine but requested a two-day suspension be imposed to show the seriousness of the violation.

Councilmember Sidoti wanted to impose the \$1,000 fine and felt the suspension could be eliminated. He understood the lapse was not done intentionally.

Councilmember Klint agreed with Councilmember Sidoti to uphold the \$1,000 fine.

Councilmember Larson indicated she was in favor of the \$1,000 fine without revoking the license.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER KLINT, TO IMPOSE THE PENALTY OF \$1,000 TO DEN-WAY, INC. THAT SHALL BE PAID WITHIN 10 DAYS AND WAIVE THE SEVEN-DAY LICENSE SUSPENSION.

Councilmember Schulte questioned if the seven-day suspension could be stayed should any other violations occur. City Attorney Hiljus stated the Council was acting in a quasi-judicial manner and the fine could be imposed along with the seven day-suspension. The Council could choose to have the seven-day suspension stayed, and if Bennigan's had another violation within the next year the seven-day suspension could be imposed.

Councilmember Schulte stated the City has always taken a strong stand on liquor license violations and wanted to see the City maintain the same level of action for this case. City Clerk Anderson explained that a second violation did have larger fines and suspensions.

FRIENDLY AMENDMENT: Accepted by Councilmember Sidoti and Councilmember Klint to stay the seven-day suspension for one year to May 26, 2011, on the condition no further liquor license violations occur.

Councilmember Johnson indicated the City Clerk made numerous attempts to contact the corporate office regarding this lapse and was in favor of imposing the fine. He felt the manager and corporate office needed to increase their level of communication and had to understand the Council's position at this time.

THE MOTION PASSED 6-1, COUNCILMEMBER NELSON OPPOSED.

5. PROPOSED STREET RECONSTRUCTION, SPRINGBROOK DRIVE, 85TH AVENUE NW TO 1300 FEET NORTHERLY, PROJECT 09-6:
 - A. CONSIDER RESOLUTION ADOPTING ASSESSMENT
 - B. CONSIDER RESOLUTION AWARDDING CONTRACT
-

City Engineer Vierzba presented a memorandum to Council stating bids will be received on July 30th for this street reconstruction project. Bid results will be presented to Council under a separate memo on Wednesday night. Council is requested to adopt the assessment and award a contract on August 4th.

Springbrook Drive, a collector street north of 85th Avenue NW, is 31 years old and is in need of repaving. Anoka County is in the process of reconstructing a portion of 85th Avenue NW in 2010 in the area of Springbrook Drive. The County project will include installation of new traffic signals at the intersection of 85th Avenue NW and Springbrook Drive, a centerline median on 85th 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 85th 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 in poor condition, installing public concrete sidewalk along the west side of the street, and paving a new bituminous surface.

Council accepted the feasibility report on May 4th, held the public hearing and assessment hearing on

June 1st, and ordered the project on June 1st. Four commercial sites are proposed to be assessed for the improvements. No one appeared at the public hearing on June 1st. Assessments are proposed at this time and would be spread over a 10-year period with an interest rate of 4.3%.

Bids will be received on July 30th. Results of the bids will be presented to Council by memo on August 4th.

Assessments would generate \$46,142.72. The balance of cost would be paid from the City's State Aid construction fund and from funds received from the City of Blaine who is in the process of proposing assessments to the Blaine businesses that access the street on the east side.

This item relates to the Transportation section of the City's long term strategic vision in that the City has an efficient and well maintained system of roads, sidewalks, and trails supported by a comprehensive and connected mass transportation system.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT RESOLUTION 09-6(12) ADOPTING THE ASSESSMENT IN THE AMOUNT OF \$46,142.72 AND RESOLUTION 09-6(9) AWARDED THE CONTRACT TO RUM RIVER CONTRACTING IN THE AMOUNT OF \$167,033.55.

Councilmember Schulte questioned if the City had worked with Rum River Contracting in the past. Public Services Director Gatlin said they had not but staff would be monitoring the company's progress on this project.

Mayor Howe asked where the City of Blaine was with this project. City Engineer Vierzba indicated Blaine was currently holding public hearings and payment would be made to the City after completion of this process.

THE MOTION PASSED UNANIMOUSLY.

6. A. CONSIDER AWARD OF CONTRACT, PHASE I SITE DEMOLITION FOR COON RAPIDS ICE ARENA, PROJECT 10-12

Public Services Director Gatlin presented a memorandum to Council stating bids were received for Phase I Site Demolition of the old Target/Goodwill site. Phase I will include only the Target/Goodwill building and Phase II will include all other buildings on the site. Bids were received on July 16, 2010 for Phase I Site Demolition.

The bid package was prepared by RJM Construction, construction manager for the ice arena project. Bids were solicited for Phase I Site Demolition and received on July 16, 2010. Bids are listed and summarized as follows:

Veit & Company, Inc. \$258,796.00

J. Johnson	\$282,000.00
Bolander	\$304,700.00
Sauter & Sons	\$336,800.00
Lloyds	\$374,869.00
Frattalone	\$382,000.00
Dennis Fehn	\$438,000.00
New Look	\$544,212.76

The low bid was submitted by Veit & Company, Inc. A letter of recommendation for award of bids from Brian Recker of RJM is attached. Mr. Recker recommends award of bids to Veit & Company, Inc. in the amount of \$258,796. The original engineer's estimate for this phase of the demolition was \$350,000. The low bid from Veit & Company, Inc. is approximately \$91,000 below the original engineer's estimate.

This item relates to the Quality of Life section of the City's long term strategic vision. The Ice Arena represents the first phase of a longer term community goal of a comprehensive community center on the current Goodwill site. The intent is to work towards creating a community in which people of all generations decide to invest themselves and their resources in the community and to communicate their community pride.

Funding for demolition of buildings on the ice arena site is included in the overall project budget.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER NELSON, TO AWARD THE BID FOR PHASE I SITE DEMOLITION FOR THE COON RAPIDS ICE ARENA TO VEIT & COMPANY, INC. IN THE AMOUNT OF \$258,796. THE MOTION PASSED UNANIMOUSLY.

B. AWARDING BID FOR ASBESTOS AND HAZARDOUS MATERIAL ABATEMENT FOR THE DEMOLITION OF THE SITE FOR THE COON RAPIDS ICE ARENA, PROJECT 10-12

Public Services Director Gatlin presented a memorandum to Council stating as part of the demolition of the former Target/Goodwill building, asbestos and other known hazardous materials must be abated. Consideration for award of bid is necessary at this time. Bids were received at 3:00 p.m. on August 3, 2010, for removal of asbestos and hazardous materials at the former Target/Goodwill building at 11000 Crooked Lake Boulevard.

Results of the bids are summarized as follows:

Mavo Systems	\$65,346.00
Veit, Inc.	\$76,963.00
Red Pine Industries	\$83,219.00

The bids have been reviewed by engineer on the project, Bonestroo. A letter of recommendation for

Bonestroo was provided. Bonestroo is recommending award of the bid to Mavo Systems of White Bear Lake. Staff concurs with this recommendation.

If Council awards the bid as recommended, work will begin on August 6, 2010. The project should be completed on August 20, 2010, to allow the demolition contractor to start working on building demolition on the site on August 23, 2010.

This item relates to the Quality of Life section of the City's long term strategic vision. The Ice Arena represents the first phase of a longer term community goal of a comprehensive community center on the current Goodwill site. The intent is to work towards creating a community in which people of all generations decide to invest themselves and their resources in the community and to communicate their community pride.

Funding for this project is included in the overall construction project estimate for the new ice arena.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO AWARD THE BID FOR ASBESTOS AND HAZARDOUS MATERIAL ABATEMENT FOR THE DEMOLITION OF THE COON RAPIDS ICE ARENA TO MAVO SYSTEMS IN THE AMOUNT OF \$65,346 AND AUTHORIZE EXECUTION OF A CONTRACT FOR THE WORK BY APPROPRIATE CITY OFFICIALS. THE MOTION PASSED UNANIMOUSLY.

7. A. CONSIDER ADOPTION OF ORDINANCE AMENDING CITY CODE;
REPEALING CHAPTER 6-300, STABLES

City Attorney Hiljus presented a memorandum to Council stating the proposed ordinance to Chapter 6-300, Stables repeals Chapter 6-300 in its entirety, eliminating the licensing of stables in the City.

Currently, there are no licensed stables in the City. However, there have been inquiries from residents requesting the keeping of ponies and pygmy horses on their residential lots within the City. Given that Coon Rapids is now a suburban area with no open farm area and given the proposed amendment to the Non-Domestic Animal Chapter 6-500 that the Council is hearing contemporaneously, it is Staff's opinion that having stables in the City is not in the best interest of the City. Stables require provisions for sanitation and fencing affect adjoining properties and can affect the general health and welfare of the community. Staff does not believe that the City has the type of area available for the keeping and maintaining of a stable. The present stable ordinance would be repealed in its entirety and horses and mules would be added to the definitions of non-domestic animals that cannot be kept or maintained in the City.

The only park in the City where horseback riding is permitted is Bunker Hills Regional Park. This use would be allowed in the non-domestic animal ordinance as a permitted use. The stables at Bunker Hills are located outside of the City and are not affected by the proposed ordinance.

This item relates to the Housing/Neighborhood section of the City's long term strategic vision in the following way: Stables are not conducive to suburban neighborhoods.

**MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER KLINT,
TO ADOPT AN ORDINANCE REPEALING CHAPTER 6-300, STABLES.**

Councilmember Johnson questioned if the Police Department could add horses in the future if this chapter of the Code were repealed. City Manager Fulton indicated he did not anticipate the City retaining horses for the Police Department.

THE MOTION PASSED UNANIMOUSLY.

**B. CONSIDER ADOPTION OF ORDINANCE AMENDING CITY CODE;
REPEALING CHAPTER 6-500 NON-DOMESTIC ANIMALS AND ADDING
NEW CHAPTER 6-500**

City Attorney Hiljus presented a memorandum to Council stating the proposed ordinance repeals Chapter 6-500 in its entirety and enacts a new Non-Domestic Animals ordinance that more clearly defines what animals that may and may not be kept in the City. The proposed ordinance would also eliminate the licensing requirement for pigeons and would require a permit for temporary display of animals.

Currently, Chapter 6-500 regulates non-domestic animals. Domestic animals are defined in the current code as “any living creature generally referred to as domestic pets and which are maintained within the residence and within a cage, including, but not limited to, birds, hamsters, chinchillas, lizards, snakes, etc.” Non-domestic animals are defined as “all other living animals”. The definitions are vague and broad. Further, the current code, allows for a person who owns a five acre or larger lot in the City to possess or maintain non-domestic animals such as a tiger, lion, poisonous snake, or cattle as long as the owner was in compliance with state and federal law. Given the City’s suburban location and development, Staff feels it necessary to update the code, specifically; the definitions of what animals are allowed to be maintained in the City. Staff also believes the City should eliminate any provision that would allow non-domestic animals to be kept in the City and instead prohibit all non-domestic animals from the City. The ordinance also adds language to ban the feeding of non-domestic animals similar to many cities in the metro area and in urban areas around the country. An exception to the prohibition would exist for the feeding of songbirds so long as songbird feeding is done in a responsible manner. Further, the new ordinance will provide extensive definitions of what constitutes domestic animals and non-domestic animals.

Currently, Chapter 6-500 requires licensing for the raising or keeping of four or more pigeons. Given staff changes, the City is no longer issuing or monitoring licenses for pigeons. Staff is requesting elimination of these requirements to bring Coon Rapids in line with surrounding communities.

In the past, residents have attempted to use the “educational display” portion of the current code to their advantage to allow for the keeping of chickens and other animals. It is staff’s opinion that the City would be better served by changing the language to allow a temporary license or permit for a maximum of thirty days for exhibition or showing of non-domestic animals only for persons keeping

animals for a public zoo as volunteers, docents or otherwise.

Finally, the proposed ordinance will permit horseback riding in public parks on designated bridle paths only. Bunker Hills Regional Park is the only park in the City that has such paths.

This item relates to the Housing/Neighborhood section of the City's long term strategic vision in that it creates a safer environment for City residents.

Councilmember Klint questioned if the current cattle grazing within the City could continue. City Attorney Hiljus indicated he was not aware of the grazing cattle and requested the Council postpone action on this ordinance to allow staff to review the issues within this ordinance further.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY MAYOR HOWE, TO POSTPONE ADOPTION OF AN ORDINANCE REPEALING CHAPTER 6-500, NON-DOMESTIC ANIMALS AND ADDING NEW CHAPTER 6-500. THE MOTION PASSED UNANIMOUSLY.

**C. CONSIDER ADOPTION OF ORDINANCE AMENDING CITY CODE;
REVISING CONDUCT IN PUBLIC PARKS TO PROHIBIT THE FEEDING OF
WILDLIFE AND WATERFOWL**

City Attorney Hiljus presented a memorandum to Council requesting introduction of an ordinance to prohibit the feeding of wildlife and waterfowl in the City of Coon Rapids.

Council and City staff have been contacted on various occasions by citizens concerned about people who are feeding wild animals in the City parks and on private property. The concerns generally focus around damage that is done when large concentrations of wild animals come to a feeding area and the unsanitary conditions that they leave behind. However, there are numerous other problems associated with feeding wild animals.

According to wildlife biologists, feeding wild animals can lead to malnutrition and can actually deprive the animals of the essential nutrients that they need to live a healthy life. The result often ends in disease spreading in the wild animal population. The animals also become dependent on the food that is provided and then lose their natural fear of humans, increasing the risk of injury to people and animals. In addition, overfeeding may result in the animals producing too many offspring that the natural food supply cannot support. Lastly, feeding wild animals leads to property damage as herds of wild animals come onto property to feed and attract unwanted houseguests and predators.

As a result, Council is asked to consider an ordinance that bans the feeding of wildlife and waterfowl similar to many cities in the metro area and in urban areas around the country. An exception to the prohibition would exist for the feeding of songbirds so long as songbird feeding is done in a responsible manner.

This item relates to the Housing/Neighborhoods section of the City's long term strategic vision by

protecting public and private property from damage, reducing neighbor complaints, and preventing disease and wild animal infestation.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SCHULTE, TO ADOPT AN ORDINANCE REVISING CONDUCT IN PUBLIC PARKS TO PROHIBIT THE FEEDING OF WILDLIFE AND WATERFOWL.

Councilmember Schulte questioned if the feeding of wildlife and waterfowl was banned from City parks or all City property. City Attorney Hiljus explained the ordinance included both City parks and private property. This ordinance would prohibit feeding animals in public parks, while the previous Ordinance would restrict private property.

Councilmember Schulte indicated he felt the ordinance invaded into private property rights and would be difficult to enforce. He stated that while he seconded the motion, he would not be supporting it. He recommended the ordinance be referred back to staff for additional review.

Councilmember Klint asked if the Council would support the ordinance if it addressed feeding of waterfowl and wildlife in City parks.

Councilmember Schulte stated he would support the ordinance if strictly within the City parks. City Attorney Hiljus indicated the Council could remove the words "or private property" from the ordinance.

Councilmember Sidoti indicated the feeding of animals was doing serious damage to private property.

Councilmember Nelson explained he did not want to see hunting restricted from the City, as a bow season may be needed in the future to thin the herd.

Mayor Howe suggested the ordinance be reviewed further by Staff and the County and that it be brought back to Council at a future meeting.

Councilmember Schulte indicated he would be in favor of the motion if amended to remove the words "private property".

Councilmember Sidoti questioned how the proposed ordinance would impact the bow hunt near the dam. City Attorney Hiljus stated the ordinance would not impact the County or DNR hunt as they require a permit. However additional language could be added to allow for this exception.

Councilmember Johnson suggested the ordinance be further reviewed prior to approval.

THE MOTION FAILED 2-5, COUNCILMEMBERS LARSON, JOHNSON, SIDOTI, NELSON AND MAYOR HOWE OPPOSED.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER LARSON, TO POSTPONE ADOPTION OF AN ORDINANCE REVISING CONDUCT IN PUBLIC PARKS TO PROHIBIT THE FEEDING OF WILDLIFE AND WATERFOWL.

Councilmember Schulte indicated the Council was opting for perfection when an item could be passed to address the current concerns raised by the citizens within the parks this evening.

Councilmember Klint expressed a great deal of concern that Council was not approving the issue this evening. She said she was disappointed that Council did not address these concerns at a previous work session.

THE MOTION PASSED 5-2, COUNCILMEMBERS KLINT AND SCHULTE OPPOSED.

8. CONSIDER RESOLUTION ACCEPTING FEASIBILITY REPORT FOR PUBLIC IMPROVEMENTS, ORDER PROJECT, AND ORDER PREPARATION OF PLANS, RKL LANDHOLDINGS (PORT EVERGREEN), 94TH AVENUE NW AND SPRINGBROOK DRIVE, PROJECT 10-2A
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City Engineer Vierzba presented a memorandum to Council stating the City Engineering Division has prepared a feasibility report for public improvements needed on-site to serve the proposed senior housing and apartment building to be located north of 94th Avenue NW and east of Flintwood Street NW. Council is requested to order the project and order preparation of plans.

Council approved the site plan and plat for the proposed development on July 5, 2010. Council also ordered preparation of a feasibility report for public improvements at that time. One of the conditions of approval requires City extension of public improvements to serve the site. This project, Project 10-2A, would propose construction of sanitary sewer and watermain on the site as needed to provide sanitary sewer service, water service, and fire protection for the proposed structures. There will be another feasibility report for Project 10-2B, which will address street reconstruction on 94th Avenue NW and on Flintwood Street NW adjacent to the new development. Council had directed staff to have an appraisal prepared to determine "benefit" for the existing homes in the area that would be assessed for street reconstruction. The appraisal is being completed and then a feasibility report will be presented for Council consideration in the near future. There are three owner-occupied homes on Flintwood Street NW and three owner-occupied homes on 94th Avenue NW that would be assessed for street reconstruction. There are another six homes in the area that are owned by a development company. The street work would be done in 2011. The City utilities would be constructed this year as needed for the new development to be built.

The total estimated cost of the sanitary sewer and watermain improvements is \$174,000. This cost would be assessed to the new development over a 5-year period. No other properties are affected. Therefore, Council can proceed to order this project without a public hearing. The project is necessary for the site to be developed as proposed. The project is cost effective and is feasible to construct.

This item relates to the Community Development and Redevelopment section of the City's long term strategic vision in that the City's development is diversified and sustainable with a growing economic base that supports high quality of life in neighborhoods and a strong, progressive business sector.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION 10-2A(7) ORDERING THE PROJECT AND ORDERING PREPARATION OF PLANS. THE MOTION PASSED UNANIMOUSLY.

9. CONSIDER RESOLUTION APPROVING PLANS AND ORDERING AD FOR BIDS, STORM DRAIN REPAIR ON 111TH AVENUE NW AND SANITARY SEWER REPAIR ON KUMQUAT STREET NW, PROJECT 10-17
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City Engineer Vierzba presented a memorandum to Council stating repairs are needed in two areas on two pipe systems: storm drain on 111th Avenue NW near the Public Works facility, and sanitary sewer on Kumquat Street NW from 110th Avenue NW to 111th Avenue NW. SHE, Inc. has prepared plans and specs.

Storm Drain on 111th Avenue NW--near Public Works site

The existing 54-inch diameter concrete storm drain pipe is deteriorated in the area and needs to be replaced with approximately 120 feet of new pipe. The joints are leaking and there are holes in some of the pipe which will lead to sink holes in the road. The estimated cost to replace this pipe is \$135,000. Funding would come from the Storm Water Utility fund-Activity 640.

Sanitary Sewer on Kumquat Street NW at 110th Avenue NW

The existing 8-inch diameter, 45-year old clay sanitary sewer pipe, is in poor condition such that it cannot be relined. It is more practical to remove old pipe and replace with new pipe. The length is 270 feet and the cost is estimated at \$178,000. Funding would come from the Sewer fund-Activity 620.

It is proposed to advertise for bids and award a contract on September 7th.

This item relates to the Transportation section of the City's long term strategic vision in that the City has an efficient and well maintained system of utilities and streets supported by a comprehensive and connected mass transportation system

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT RESOLUTION 10-17(8) APPROVING PLANS AND ORDERING AD FOR BIDS. THE MOTION PASSED UNANIMOUSLY.

10. APPROVE PLAN AND FUNDING FOR CRESCENT PONDS PARK, 124TH LANE NW

WEST OF UNIVERSITY AVENUE, PROJECT 10-15

City Engineer Vierzba presented a memorandum to Council stating the developer of Crescent Ponds has requested the City to proceed with park improvements in 2010. Council is requested to approve a concept plan for the park and authorize construction of a portion of the improvements in 2010.

Todd Baumgartner, the developer, has submitted a letter requesting park improvements be started in “Crescent Ponds” park this year. The City has discussed the improvements in the past when the development plan was being reviewed. Originally, there was no park included in this development. The plat was revised and it was decided that a public park would be constructed with the developer dedicating the land to the City as well as paying full park dedication fees as lots were platted. Lots are being platted in phases. The first phase containing 18 lots was approved in 2009. The second phase includes an additional 27 lots and has been approved in 2010. Park dedication fees for these two phases will total \$90,000.

It was previously discussed that park improvements would not be made until the street was extended through the site, providing access to the park. A public sidewalk is also proposed this summer/fall so there will be pedestrian access to the park as well as street access. The cost of these street/sidewalk improvements will be assessed to the new development and paid by the developer.

The proposed park improvements include trails, play structure, shelter, basketball half-court, and tree planting, estimated to cost \$125,000. The developer would like to see the trail and play structure completed this fall. The \$90,000 that the developer will have paid to date for the first two phases would cover the cost of those park improvements estimated at \$80,000. Future improvements could be made when funding is available. Funds were not budgeted for this specific improvement in 2010 because funding was not available for this park at the time the budget was prepared in 2009. Funds would now be available from the park dedication fees received from the development on this site.

The minutes from the Park and Recreation Commission’s review of the park proposal on May 4, 2009 were provided.

This item relates to the Community Development section of the City’s long term strategic vision in that the City’s development is diversified and sustainable with a growing economic base that supports a high quality of life in neighborhoods and a strong progressive business sector.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER SCHULTE, TO APPROVE THE PLAN TO IMPROVE CRESCENT PONDS PARK AT 124TH LANE NW WEST OF UNIVERSITY AVENUE AND AUTHORIZE FUNDING FOR CONSTRUCTION OF THE TRAILS AND PLAY STRUCTURE THIS YEAR.

Mayor Howe reviewed the Park and Recreation Commission minutes and asked if the park would be an amenity of the City or the development. City Manager Fulton indicated the park would be deeded to the City and would add to the value of the property being developed.

Mayor Howe questioned if the City typically received park dedication funds from a development

and used those specific funds to build a park for the development. Public Services Director Gatlin explained park dedication funds are collected but the funds are not always specifically spent within the development. However, the developer has been involved in creating this amenity for the neighborhood.

Mayor Howe asked why the park was being completed first within this development. Public Services Director Gatlin indicated the park was being requested by the developer and felt it would attract future homeowners to the amenity. Community Development Director Nevinski explained the final plat approval had a park approved within a specific timeline.

Mayor Howe requested staff report back to Council on this further. He then suggested staff draft a letter to the developer explaining the typical process followed for park dedication fees.

Councilmember Johnson did not want the City to be “forced” into approving this park and requested further information from staff on the final plat.

Councilmember Sidoti stated he was in favor of building a park prior to the development as with certain previous developments, parks and other amenities were never completed. He approved of the direction the Park and Recreation Commission was taking regarding park amenities.

Mayor Howe suggested the developer bring forward additional funds to cover the expense of the proposed park, trails and play structure. He explained the park could run upwards of \$250,000 when only \$160,000 was being provided in park dedication fees. City Engineer Vierzba stated an estimation of the cost for the park was approximately \$125,000 at this time, which included the play structure, trails and basketball court.

Councilmember Johnson questioned what would happen if the development were to fail and the park was completed at the City’s expense. He stated he would not oppose with proceeding with the park if the developer provided the entire funding up front.

Councilmember Schulte indicated the park would be a public amenity and would benefit the City. He stated he was in favor of approving the park.

Mayor Howe requested the Park and Recreation Commission review the park layout further and report back to Council.

Councilmember Sidoti expressed concern regarding the tone of the letter received from the developer and requested staff address this further.

FRIENDLY AMENDMENT: Accepted by Councilmember Sidoti and Councilmember Schulte to approve the park pending the Park and Recreation Commission review the park layout further.

THE MOTION PASSED UNANIMOUSLY.

11. **CONSIDER MEMORANDUM OF UNDERSTANDING FOR FUTURE PURCHASE OF PROPERTY WITH MICHAEL THAYER, PORTION OF OUTLOT C, DUBLIN GREENS (105TH LANE NW AND AVOCET STREET NW)**

Community Development Specialist Brown presented a memorandum to Council requesting the Council consider a Memorandum of Understanding for the future purchase of real property adjacent to 1351 105th Lane NW.

Michael and Rebecca Thayer, 1351 105th Lane NW, approached Staff about purchasing a portion of a City-owned outlot located behind their property. Outlot C is an approximately 4 acre parcel that was deeded to the City primarily for drainage purposes in the 1980s. A trail was also constructed on a portion of the outlot. Mr. and Mrs. Thayer propose purchasing approximately 6,000 square feet of Outlot C and combining it with their property, Lot 1, Block 4, Dublin Greens. Staff has determined that City ownership of the land is not necessary. It does not include portions of Outlot C used for the trail or drainage ditch. A drainage and utility easement will remain in place over the land which will prevent construction of buildings.

To facilitate this transaction the Council is asked to consider a Memorandum of Understanding (MOU) with the Thayers in which they agree to complete and pay for a registered land survey to split the property from the original outlot. Once the terms of the MOU have been met, the Thayers will enter into a purchase agreement with the City. The Thayers have agreed to a sale price of \$6,000 for the land, which reflects market value for excess land. The Thayers will incur all costs associated with the transaction.

This item relates to the Housing/Neighborhoods section by promoting stable safe well connected neighborhoods with predominantly owner-occupied and well maintained life cycle housing options.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO APPROVE THE MEMORANDUM OF UNDERSTANDING WITH MICHAEL R. THAYER AND REBECCA A. THAYER FOR THE FUTURE PURCHASE OF CERTAIN REAL PROPERTY WITHIN DUBLIN GREENS. THE MOTION PASSED UNANIMOUSLY.

12. **CONSIDER ADD ALTERNATIVE, BUNKER HILLS CLUBHOUSE ROOF SHINGLES, PROJECT 08-20**

Public Services Director Gatlin presented a memorandum to Council stating at the July 20, 2010, Council meeting Council considered award of bids for several bid items and alternates for the Bunker Hills Golf Course Clubhouse project. At that time Council had questions regarding the roof shingles and requested additional information. That information is provided so Council can consider the shingle bid.

Staff shared specification sheets for both types of roof shingles and an email from Todd Christopherson from Amcon, discussing the shingles and providing additional information. Both shingles are heavy duty type shingles. The GAF Sequoia shingle is the base bid and the GAF Grand Canyon shingle is the add alternate bid at an additional cost of \$17,560.

Both shingles have similar warranties. The Grand Canyon shingle is approximately 20% thicker giving the appearance of real wood shakes and is a heavier shingle. Both shingles are intended to have a 30 year life with a 10 year manufacturer's warranty. In addition to the heavier weight of the Grand Canyon shingle, it also has a stain guard warranty that protects the roof against blue/green algae.

In reviewing the bid price and the specifications, both the architect and project construction manager recommend that we retain the base bid and do not select the higher cost Grand Canyon shingle alternate.

This item relates to the Community Development/Redevelopment section of the City's long term strategic vision. Redevelopment of Bunker Hills Clubhouse will enhance the recognition of Bunker Hills Golf Course as a major destination location through the redevelopment of the clubhouse facility.

If Council selects the add alternate, the budget for the Golf Course Clubhouse project would be increased by the bid amount of the heavier duty shingle, \$17,560.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO REQUEST THAT COUNCIL RETAIN THE BASE BID AND NOT SELECT THE ADD ALTERNATE FOR ROOF SHINGLES. THE MOTION PASSED UNANIMOUSLY.

13. CONSIDER RESOLUTION 10-85 DECLARING TWO VACANCIES AND APPOINTING TWO MEMBERS TO THE PLANNING COMMISSION

Community Development Director Nevinski presented a memorandum to Council requesting Council adopt Resolution 10-85 appointing two members to the Planning Commission.

Due to the resignation of Commissioner Michael Haag in June and Commissioner Denise Hosch in July, the Planning Commission currently has two vacancies to fill. Attached are two applications for Council consideration for those vacancies. One term will expire on December 31, 2011 and the other on December 31, 2012.

Council is asked to consider and make appointments to the two open terms.

Mayor Howe indicated that Council interviewed several candidates and recommends Su Yang and Christopher Snell to serve on the Planning Commission.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT RESOLUTION 10-85 DECLARING TWO VACANCIES ON THE PLANNING COMMISSION AND APPOINTING SU YANG WITH A TERM TO EXPIRE ON DECEMBER 31, 2012 AND CHRISTOPHER SNELL WITH A TERM TO EXPIRE ON DECEMBER 31, 2011.

Councilmember Johnson said he found it difficult to proceed with recommending Christopher Snell as he was not interested in serving on the Planning Commission. He recommended the Council proceed with another candidate.

THE MOTION PASSED 6-1, COUNCILMEMBER JOHNSON OPPOSED.

14. OTHER COUNCIL BUSINESS

A. UPDATED WORK SESSION DATES/TOPICS

City Manager Fulton presented a memorandum to Council requesting Council to schedule several upcoming Council work session dates and topics. He suggested the animal and wildlife issues be addressed at the August 17th meeting as well.

Council is asked to confirm the following dates/topics for work sessions:

- 17-Aug Comprehensive Plan Review and Animal/Wildlife Ordinances
- 31-Aug Proposed 2011 Budget Review
- 14-Sep “Summer in the City” W5 Moor Park – *Postponed from July 27*
- 28-Sep Joint Meeting with School Board

Council had tentatively scheduled October 12, October 26, November 9, November 23, and December 14 for future work sessions, but have recently discussed the possibility of holding work sessions prior to regularly scheduled Council meetings. More discussion on that option can be held at a later time. Staff would like direction on the newly revised schedule.

Mayor Howe questioned if the Council had any additions or deletions from the proposed dates/topics.

Councilmember Sidoti indicated he would be out of town for the August 17th meeting.

Councilmember Johnson noted that Council received a letter suggesting changing play structure materials that retain heat at Lions Park, such as a slide. He asked that the Park and Recreation Commission further review this concern

Councilmember Klint noted she received several calls from residents in the Cardinal Heights area

that were pleased with the great work. The residents were very pleased with the paving company, however, the contractor that completed the curbing was extremely loud and profane and asked staff to bring this to the project manager's attention and be aware of this for future projects. Mayor Howe explained that Night to Unite was held on August 3rd with 108 events or gatherings registered with the City. He stated he attended several different events and thanked the residents for their great hospitality.

Councilmember Sidoti said he attended Night to Unite events with staff from Fire Station No. 3 who had to respond to a fire call during the evening. He said he was impressed with their ability to switch gears so quickly from a social event to an emergency situation and thanked the emergency personnel that serve our community.

Mayor Howe said he attended the Night to Unite and grand opening event at Ted's Store, adding it was a very nostalgic event.

Councilmember Nelson reviewed a letter regarding the Mississippi River Corridor with the Council. City Manager Fulton indicated City staff has been attending these meetings and will keep the Council apprised on these issues.

Councilmember Schulte mentioned several illegally placed County commissioner campaign signs and asked staff to remove them.

15. ADJOURN

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON,
TO ADJOURN THE MEETING AT 8:36 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Joan A. Anderson, City Clerk