

COON RAPIDS CITY COUNCIL MEETING MINUTES OF DECEMBER 7, 2010

OPEN MIC/PUBLIC COMMENT

Jerry Pierce, 12236 Partridge Street NW, appeared at Open Mic and expressed concern over the leadership regarding current building improvement projects. He questioned why funds were being spent for future phases of a community center when the Council did not want more phases until they had a signed contract.

CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of December was called to order by Mayor Tim Howe at 7:07 p.m. on Tuesday, December 7, 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 SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

2. CONSIDER APPROVAL OF MINUTES:
- A. NOVEMBER 9, 2010, WORK SESSION
 - B. NOVEMBER 16, 2010, COUNCIL MEETING
-

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE MINUTES OF THE NOVEMBER 9, 2010, WORK SESSION. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER LARSON, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE MINUTES OF THE NOVEMBER 16, 2010, COUNCIL MEETING. THE MOTION PASSED 5-0-2, COUNCILMEMBERS SIDOTI AND NELSON ABSTAINED.

3. CONSENT AGENDA:
- A. ACCEPT UTILITY EASEMENT FROM GREEN BAY PACKAGING, INC., 555 87TH LANE NW
 - B. RECOMMEND CHARTER COMMISSION APPOINTMENTS TO CHIEF JUDGE

- C. CONSIDER RESOLUTION 10-113 AUTHORIZING THE JOINT POWERS AGREEMENT WITH THE MINNESOTA BUREAU OF CRIMINAL APPREHENSION
 - D. AUTHORIZE PROFESSIONAL SERVICES AGREEMENT WITH SRF CONSULTING GROUP, INC. FOR COON RAPIDS BOULEVARD/HIGHWAY 610 INTERCHANGE FEASIBILITY STUDY
 - E. APPROVE 2011 LICENSE RENEWALS
 - F. APPROVE FINAL PAYMENT, PROJECT 10-1, 2010 STREET RECONSTRUCTION
 - G. APPROVE PROGRAM LETTER OF AGREEMENT WITH ANOKA COUNTY AND CONSIDER RESOLUTION 10-129 AUTHORIZING APPLICATION FOR SHIP GRANT FUNDS FOR WELLNESS INITIATIVES
 - H. ACCEPT PROPOSAL FROM SEH, INC. FOR ENGINEERING SERVICES FOR THE 2011 SANITARY SEWER LINING PROGRAM, PROJECT 10-29
 - I. APPROVE JOINT POWERS AGREEMENT WITH ANOKA COUNTY, PROPOSED MAIN STREET UPGRADE, CRANE STREET NW TO UNIVERSITY AVENUE, PROJECT 09-33
 - J. CONSIDER AWARD OF CATEGORY 14A, ELEVATORS, COON RAPIDS ICE ARENA, PROJECT 10-12
 - K. INFORMATIONAL ITEMS:
 - 1. ANOKA COUNTY DWI TASK FORCE UPDATE
 - 2. 2010/2011 INSURANCE RENEWALS
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MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED.

Councilmember Klint asked if the contract with SRF should proceed if the City has not received approval from the County or State for the work on the Coon Rapids Boulevard/Highway 610 interchange. Community Development Director Nevinski indicated the feasibility study would provide the City with options and was a preliminary step in the process. He stated the City has reviewed options in the past, but further analysis would be provided in detail by SRF.

Mayor Howe explained he would like to see the Council proceed with the study as access was critical to the industrial and business uses in this area. He indicated funding may be available at this time that was not available 10 years ago.

Councilmember Klint agreed that access was essential. She stated the meeting with the County was more her concern and the expense of this meeting from SRF. Community Development Director Nevinski indicated he and Public Services Director Gatlin could make the presentation to the County if the plans were not too technically difficult. A decision could be made at a future date after the plans are reviewed.

Councilmember Schulte indicated the County and State were both in favor of the feasibility study and requested the Council proceed with the contract.

Councilmember Johnson thanked staff for the update from the Anoka County DWI Task Force. He

complimented the police force for their efforts in this area.

THE MOTION PASSED UNANIMOUSLY.

4. A. ASSESSMENT HEARING, 7:00 P.M.
 - B. CONSIDER RESOLUTION 10-116 ADOPTING 2010 (3) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED ONE YEAR)
 - C. CONSIDER RESOLUTION 10-117 ADOPTING 2010 (3) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED THREE YEAR)
 - D. CONSIDER RESOLUTION 10-118 ADOPTING 2010 (3) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED FIVE YEAR)
 - E. CONSIDER RESOLUTION 10-119 ADOPTING 2010 (3) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED TEN YEAR)
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Assessment Clerk Cederstrand presented a memorandum to Council stating after an assessment hearing the unopposed 2010 Miscellaneous Special Assessments should be adopted.

The amount to be assessed for the 2010 (3) Miscellaneous Assessments is \$240,605.93 as of December 1. The amount reflects payments and adjustments made since November 3, 2010, when the assessment hearing date was set. An updated amount was provided.

The revised process of hearing assessment appeals will include a hearing before the Board of Adjustment and Appeals before City Council adoption. The City Council must open a public hearing as required by State Statutes. However, at that hearing the City Council should collect written appeals and refer appellants to the Board of Adjustment and Appeals for their review and recommendation. After the public hearing has been closed, the City Council may adopt the assessments which have not been appealed.

The Board of Adjustment and Appeals is expected to make a recommendation to the City Council at the January 18 Council meeting.

The terms of re-payment of these assessments are determined by the amount being assessed. The proposed assessments are categorized by the number of years to be assessed and the interest rate recommended. Amounts up to \$1,500 will be payable in one year, amounts up to \$5,000 will be three, amounts up to \$9,000 will be five, and over \$9,000 will be ten years.

The City's long term strategic vision includes providing neighborhoods that are stable, safe and connected with predominately owner occupied and well maintained life cycle housing.

Mayor Howe opened the public hearing at 7:25 p.m.

Several residents presented staff with a written appeal to their City assessments.

Mayor Howe closed the public hearing at 7:27 p.m.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION 10-116C, ADOPTING 2010 (3) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED ONE YEAR); RESOLUTION 10-117A, ADOPTING 2010 (3) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED THREE YEAR); RESOLUTION 10-118, ADOPTING 2010 (3) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED FIVE YEAR); AND RESOLUTION 10-119 ADOPTING 2010 (3) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED TEN YEAR), WITH UPDATED AMOUNTS FROM THE FINANCE DEPARTMENT. THE MOTION PASSED UNANIMOUSLY.

5. BIOVEST INTERNATIONAL, INC., 8500 EVERGREEN BOULEVARD:
 - A. PUBLIC HEARING, 7:00 P.M.
 - B. CONSIDER RESOLUTION 10-124 AUTHORIZING THE ECONOMIC DEVELOPMENT AUTHORITY TO EXPEND EXCESS TAX INCREMENTS
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Community Development Director Nevinski presented a memorandum requesting Council hold a public hearing and consider authorizing the EDA to expend excess tax increment funds, as authorized by the 2010 Jobs bill, to provide a loan to Biovest International, Inc.

In an effort to provide cities with an economic development stimulus tool, the 2010 Legislature approved a temporary provision to TIF law allowing for the use of cash balances in TIF districts to be used for loans and assistance for any project that creates jobs, including construction jobs.

As Council will recall from previous meetings, Biovest International, Inc. is expanding its operation by remodeling underutilized space at its facility in the Evergreen Industrial Park. The expansion will enable the increased production of a vaccine for non-Hodgkin's lymphoma, the retention of 24 existing jobs, and the creation of 14 new jobs in the bioscience sector. The company, along with its parent corporation, recently emerged from bankruptcy. To finance its expansion, the company has received funding from the State via a loan and the landlord. It has also asked the City for assistance.

In August of this year, Council adopted Resolution 10-87 modifying the budgets of two TIF districts to allow for such expenditures. Before such an expenditure can be made a public hearing must be held and a spending plan must be considered by the municipality (i.e. the Council) that specifically authorizes an authority (in this case, the EDA) to make the expenditure. Both the spending plan and the authorization are contained within the attached resolution.

This item relates to the Community Development and Redevelopment section of the City's long term strategic vision by supporting the City's economic development strategy to grow bioscience companies and create bioscience jobs in Coon Rapids.

Funding for the assistance will come from TIF District 1-29 and will be loaned to the company by the EDA. There is no budget impact to the City's general fund.

Mayor Howe commented that Biovest's landlord was financing \$750,000 of the improvements while the City was being asked for a loan totaling \$103,000 to assist with the improvements.

Mayor Howe opened and closed the public hearing at 7:32 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT RESOLUTION 10-124 AUTHORIZING THE EDA TO EXPEND EXCESS TAX INCREMENTS IN THE FORM OF A LOAN TO BIOVEST INTERNATIONAL, INC. IN THE AMOUNT OF \$103,000. THE MOTION PASSED UNANIMOUSLY.

6. 2011 BUDGET:
 - A. TRUTH-IN-TAXATION HEARING, 7:00 P.M.
 - B. CONSIDER RESOLUTION 10-114 ADOPTING THE 2011 BUDGET
 - C. CONSIDER RESOLUTION 10-115 ADOPTING THE 2011 TAX LEVY
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Finance Director Legg presented a memorandum indicating the City Council needs to hold a Truth-In-Taxation (TNT) hearing and consider adoption of the 2011 budget and tax levy. She gave a detailed PowerPoint presentation regarding the 2011 budget to the Council.

The budget was discussed at a workshop on August 31, 2010. A preliminary levy was certified to the County. A TNT public hearing must be held, but a meeting separate from a regularly scheduled Council meeting is no longer required. The budget should be adopted and the levy certified to the County.

Mayor Howe opened and closed the public hearing at 8:00 p.m. since no one appeared to address the Council.

City Manager Fulton thanked the Council and the dedicated Finance Department for preparing the 2011 budget. He indicated the State of Minnesota has a \$5 billion deficit and the City has not depended on the State for additional funding in 2011. The actions taken by the State this year would impact the City going forward.

Mayor Howe agreed, stating staff worked diligently this year to draft a budget based on comments and direction given by the Council.

Councilmember Schulte reiterated that the minimal increase in the budget was due to investments in infrastructure and not growing operational expenses. He thanked staff for holding operational expense steady.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION 10-114, ADOPTING THE 2011 BUDGET; AND RESOLUTION 10-115 ADOPTING THE 2011 TAX LEVY. THE MOTION PASSED UNANIMOUSLY.

- D. CONSIDER RESOLUTION 10-120 AMENDING BUDGETS OF CERTAIN TAX

INCREMENT DISTRICTS

Finance Director Legg presented a memorandum requesting the City Council modify the budget for four tax increment districts.

Tax increment districts 1-4, 1-5, 1-7 and 1-8 are expiring at the end of 2010. The present budgets for the districts were modified in 2001 as part the modification of the entire project area. At this time, the budgets for these four districts should be modified to reflect historical expenditures as well as allowing for available tax increment to be used in the street reconstruction as well as relocation and demolition expenses in the Campus Square and in the project area. Because the budgets for these four districts are not increasing, but only being reallocated, no public hearing will be necessary.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION 10-120 AMENDING BUDGETS OF TAX INCREMENT DISTRICTS 1-4, 1-5, 1-7 AND 1-8. THE MOTION PASSED UNANIMOUSLY.

E. APPROVE SPECIFICATIONS FOR HIGH DEFINITION CAPABLE EQUIPMENT AND AUTHORIZE BID

A memorandum was presented from Purchasing Clerk Lincoln stating staff is requesting approval of specifications for the purchase of high definition (HD) capable equipment for the CTN Studios television truck and the authorization to seek bids for the purchase.

The television truck purchased in March of 2008 is primarily using analog equipment that is nearly 14 years old. The main components like cameras, the switcher and digital video effects (DVE) are getting obsolete and nearly impossible to service. The switcher manufacturer, Echolab, is out of business and the system is running on the obsolete Windows NT platform. The Alladin Pro DVE is also operating on Windows NT. Both the switcher and DVE are composites of parts from multiple machines as staff and manufacturers have struggled to keep the old equipment running for coverage of event productions.

Most TV production equipment manufacturers are no longer producing standard definition (SD) equipment and are concentrating on HD and 3D television equipment. The Cable Department made the decision to skip the transition to SD video in order to wait for the larger jump to HD.

The larger cost items like the camera systems, lenses and switcher will be specified in the bid. The remainder of the smaller cost equipment list will be finalized and quotes solicited. CTN Studios staff will be doing the integration to save costs. Staff has also considered many equipment options and has developed solutions to provide robust equipment at a more modest cost.

This equipment upgrade originally was proposed in 2010 but was delayed as long as possible. Without this purchase, cable productions could be in jeopardy. Additionally, this technology would allow for better quality productions which would allow staff to increase the project fees, expanding earnings potential.

Specifications for this purchase are available in the Purchasing Department.

This item relates to the Excellence in Government section of the City's long term strategic vision in by ensuring that the City has the latest communication technology as a vital part of maintaining open lines of communication between the City and the general public.

The project is not to exceed \$850,000 which is in the proposed Public Communications Fund budget for 2011. Of this amount \$100,000 would come from Fund reserves and the remaining \$750,000 would be through an internal loan paid over 10 years with interest. The Public Communication Fund finished a similar loan in December 2009 that paid for the Cable building.

Mayor Howe questioned how this equipment would be financed. City Manager Fulton explained the City would be doing an inter-fund loan between the Communications Fund and Reserve Fund. He indicated all monies would be expended from cable franchise fees.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO APPROVE SPECIFICATIONS FOR THE PURCHASE OF HIGH DEFINITION (HD) CAPABLE EQUIPMENT AND THE AUTHORIZATION TO SEEK BIDS FOR THE PURCHASE. THE MOTION PASSED UNANIMOUSLY.

**7. CONS. AWARD OF CONTRACT, BUNKER HILLS CLUBHOUSE, PROJECT 08-20:
A. CATEGORY C-31, LOW VOLTAGE, VOICE, DATA, AV**

Public Services Director Gatlin presented a memorandum to Council stating at the November 16, 2010 Council meeting, Council took action to reject all bids for Contract C-31- Low Voltage, Voice, Data, AV for the Bunker Hills Clubhouse project. Staff was directed to work with the construction manager and design team to solicit quotes from other vendors for this portion of the project.

The project manager, design team, and Town & County Catering have been working with vendors to solicit quotes for Contract C-31 - Low Voltage, Voice, Data, AV for the Bunker Hills Clubhouse project. Quotes have been received and analyzed. The low quote which best meets the needs of all parties has been submitted by Entertech Entertainment Technology. Entertech's total quote for the City's portion of the project is \$89,210.47. Under separate contract, Town & County Catering will be contracting privately with Entertech to provide additional low voltage, voice, data, and AV items to meet their needs. The total amount of the Town & Country Catering's private contract with Entertech will be approximately \$46,500. By using the quote process with vendors, there was a savings of approximately \$10,000 over the low bid originally submitted by Unitech. The system provided by Entertech better meets the needs of Town & County Catering and the golf operation.

A letter from Amcon recommending award of Contract C-31 to Entertech Entertainment Technology was presented. Todd Christopherson of Amcon was available at the meeting to discuss this quote process with Council and respond to questions.

The Golf Course budget contains an item of \$146,670 for technology. Based on the quote received from Entertech and agreements with Town & Country Catering, the City would fund \$89,210.47. In the future the City would pay all costs for the POS system previously planned to be paid by Town & Country Catering. The estimated cost for the POS system is approximately \$46,000. The total City portion of these items would be \$135,210 or approximately \$10,000 less than the original bid from Unitech for the technology system.

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.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO AWARD THE QUOTE TO ENTERTECH ENTERTAINMENT TECHNOLOGY FOR CONTRACT C-31-LOW VOLTAGE, VOICE, DATA, AV FOR THE BUNKER HILLS CLUBHOUSE PROJECT IN THE TOTAL AMOUNT OF \$89,210.47 AND THAT APPROPRIATE CITY OFFICIALS BE DIRECTED TO EXECUTE A CONTRACT WITH ENTERTECH FOR THIS PORTION OF THE PROJECT. THE MOTION PASSED UNANIMOUSLY.

B. CATEGORY C-32, FURNITURE, FIXTURES, EQUIPMENT

Public Services Director Gatlin presented a memorandum to Council stating bids were received on November 9, 2010 for Furniture, Fixtures, and Equipment for the Bunker Hills Clubhouse project. This is the last major item to be bid for the clubhouse project.

On November 9, 2010, four bids were received for Contract C-32 - Furniture, Fixtures, and Equipment for the Bunker Hills Clubhouse project. The bids are listed as follows with the contractor and base bid with deduct alternate for approved equal furniture:

Henricksen & Company	\$322,490
General Office Products	\$324,389
Furniture Industries	\$325,095
Target Commercial Interiors	\$328,950

The low bid with alternate was submitted by Henricksen & Company in the amount of \$322,490. Consideration for award of this bid was delayed until this time for the new food and beverage contractor, Town & Country Catering, to review the bid and determine whether or not the Furniture, Fixtures, and Equipment would meet their needs. The bids have been reviewed with Jason Hines and his staff from Town & Country Catering. They concur with the award of bids and the furnishing of all furniture, fixture, and equipment as specified.

A letter of recommendation from Amcon, the construction manager for the project, was shared with

Council as well.

The Golf Course budget contains \$395,000 for Furniture, Fixtures, and Equipment. The low bid of General Office Products is approximately \$72,000 or 18% below the estimate for this project. The net effect will be to lower the overall project budget by \$72,000. At this point in the construction, the project budget is tracking approximately \$500,000 below the project budget estimate. This figure includes the construction contingency.

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.

Mayor Howe indicated he was pleased with the new numbers received through this bid process. Public Services Director Gatlin agreed, stating the project was approximately \$300,000 below budget at this time.

Councilmember Schulte indicated he printed out the updates from Amcon at his place of business and has received numerous positive comments on the construction and progress of the clubhouse. He complimented Mr. Christopherson for working so diligently on behalf of the City.

Council asked if the ice arena construction manager would provide a similar report.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO RECOMMEND THE BID WITH ALTERNATE RECEIVED FOR CONTRACT C-32– FURNITURE, FIXTURE, AND EQUIPMENT FOR THE BUNKER HILLS CLUBHOUSE PROJECT BE AWARDED TO HENRICKSEN & COMPANY IN THE AMOUNT OF \$322,490 AND THE CONTRACT BE EXECUTED BY APPROPRIATE CITY OFFICIALS. THE MOTION PASSED UNANIMOUSLY.

8. APPROVE REVISED FINAL PLAT FOR GATEWAY COMMERCE CENTER (COOLEY PROPERTY), HANSON BOULEVARD AND HIGHWAY 10, PC 07-43

City Attorney Hiljus presented a memorandum to Council stating the applicant is requesting revised final plat approval of Gateway Commerce Center. The applicant is proposing to plat the area along Highway 10 as outlots.

At the February 8, 2008, meeting, the Council approved the final plat for Gateway Commerce Center. On July 7, 2009 the applicant was granted approval of a revision to that plat. The revisions were proposed as part of changes to the PUD. The revision included the following:

- Reduce the size of Lot 1 and enlarge the size of Lot 5;
- Adjust the lot lines of Lots 2, 3 and 4 to accommodate the changes to Lots 1 and 5;

- The current final plat has the multi-tenant buildings on one lot; the revised plat has each building on its own lot.

The proposed revised plat does not change the lot configuration approved on July 7th, except for leaving the area along Highway 10 as outlots. Prior to the outlots being developed they will have to be replatted as regular lots and their configuration must be consistent with the plat approved on July 7, 2009. The applicant drafted a letter explaining why they are proposing the revisions.

The conditions listed are the same conditions of the February 6, 2008 and July 7, 2009 final plat approvals. Staff recommends approval of the revised plat with conditions.

Mayor Howe questioned if this item would come back before the Council in several years after the market shifts again. City Attorney Hiljus stated the outlots would have to be replatted to become buildable.

Councilmember Schulte indicated he was supportive of this final plat and suggested the Council allow this item to proceed to tax court.

Councilmember Sidoti questioned if the Council can consider the tax implications when making this decision. City Attorney Hiljus indicated the zoning and subdivision regulations are to be the standard for this decision.

Councilmember Nelson explained Mr. Cooley had been subjected to many layers of government while working through this issue. He did not want the Council to stand in the way of the final plat.

Councilmember Klint expressed great frustration with the final plat coming before the Council due to the tax implications. The Council was not allowed to make decisions solely for this reason. City Attorney Hiljus indicated the parcels were not ready for building and could be considered outlots with the value on these properties left up to the court system.

Councilmember Sidoti stated the law was on the City's side with this issue. He did not deny the facts stated by Councilmember Klint.

Councilmember Schulte noted the developer has put money into this property and will not be walking away from the site. He did not estimate the tax dollars lost by the City to be insurmountable. The request would accommodate the developer in the short-term as the site would be developed in the future.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER NELSON, TO APPROVE THE REVISED FINAL PLAT FOR GATEWAY COMMERCE CENTER WITH THE FOLLOWING CONDITIONS:

1. THE PLAT SHOULD INCLUDE A PUBLIC DRAINAGE EASEMENT FOR THE STORM PIPE THAT RUNS THROUGH THE SITE FROM HANSON BOULEVARD NEAR NORTHDALÉ BOULEVARD.
2. THE PLAT SHALL INCLUDE A PUBLIC DRAINAGE EASEMENT OVER ALL AREAS WITHIN THE PLAT THAT ARE BELOW THE 100-YEAR FLOOD ELEVATION OF 857.4 FEET.
3. A SIDEWALK EASEMENT IS NEEDED FOR THE PUBLIC SIDEWALK ALONG WEST SIDE OF HANSON BOULEVARD.
4. OTHER DRAINAGE AND UTILITY EASEMENTS SHALL BE PROVIDED PER THE CITY ENGINEER'S RECOMMENDATIONS
5. CROSS ACCESS EASEMENTS SHALL BE PROVIDED ACROSS PARKING LOTS, DRIVE AISLES AND PRIVATE STREETS.
6. OUTLOT A SHALL BE DEEDED TO THE CITY IF THE STREET IS ACCEPTED AS A PUBLIC STREET.

Councilmember Johnson stated the deterioration of the commercial market was affecting developers in the metro area. He indicated Mr. Cooley was an intelligent businessman and he wanted to see the site successfully developed at some point in the future.

City Attorney Hiljus explained the site would not physically change at this point. The renaming of the lots to outlots would allow the developer to potentially revalue the site. He indicated the City has no investment in the site to date. The City was protected through the development agreement with the Cooley family.

THE MOTION PASSED 6-1, COUNCILMEMBER KLINT OPPOSED.

9. CONSIDER RESOLUTION 10-108 REQUESTING THE COON CREEK WATERSHED DISTRICT TO EXPAND THE BOUNDARIES OF THE COON CREEK WATERSHED DISTRICT TO INCLUDE A PORTION OF COON RAPIDS CURRENTLY IN SIX CITIES WATERSHED MANAGEMENT ORGANIZATION
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Public Services Director Gatlin presented a memorandum to Council stating at the October 26, 2010, work session, Council discussed the current status of the Six Cities WMO. At that time Council discussed the merits of either remaining in the Six Cities WMO or requesting action to join an adjacent watershed district, in this case, the Coon Creek Watershed District. The Blaine City Council has taken formal action to formally withdraw from the Six Cities WMO and join the Coon Creek Watershed District.

During the past several months staff and Council have been discussing the status of the Six Cities WMO and whether or not to remain part of the Six Cities WMO or request to join the Coon Creek Watershed District. A copy of the October 26, 2010, Council work session memo was provided. That memo essentially explained options available to the City of Coon Rapids and the pros and cons of the options.

From an historical perspective, in 1982 Coon Rapids joined the cities of Blaine, Columbia Heights, Fridley, Hilltop, and Spring Lake Park for the purposes of organizing a Watershed Management Organization (WMO) to be known as the Six Cities Watershed Management Organization (SCWMO). The purpose was to manage water quantity and quality issues. In recent years the regulations governing WMOs have changed requiring a higher level of management to remain compliant with current water quality rules. These changes have resulted in increased financial obligations for the operation of the Six Cities WMO and its related projects.

The Six Cities WMO currently does not have legislative authority to levy to provide funding for operating the Six Cities WMO. As discussed at the October 26 workshop, it became clear that for about the same financial obligation, a higher level of services with less direct staff involvement could be realized by having that part of the City of Coon Rapids included in the Coon Creek Watershed District. Conversations with the Board of Water and Soil Resources (BWSR), the State agency providing oversight to WMOs, describe the process by which cities could pursue the inclusion of areas currently in the Six Cities WMO into a watershed district. Staff has prepared a resolution for Council consideration that will begin that process.

The resolution requests the Coon Creek Watershed District expand its boundaries to include that part of the City of Coon Rapids which is currently included in the Six Cities WMO. Should the Coon Creek Watershed District Board approve the request, they will then petition the Board of Water and Soil Resources to approve a change in the Coon Creek Watershed District boundaries. The City of Blaine has taken similar action. The Joint Powers Agreement (JPA) for the Six Cities WMO must also be changed to allow member cities to leave the organization in order to allow the Board of Water and Soil Resources to act on a petition by the Coon Creek Watershed District. The Six Cities WMO recently directed its attorney to change the JPA to allow member cities to opt out.

This item relates to the excellence in government section of the City's long term strategic vision. The City of Coon Rapids will ensure that the Six Cities WMO is managed with excellence in operational efficiency and environmental sustainability consistent with the City's 2030 Vision.

A table was shared showing the proposed budget from the Six Cities WMO and proposed levy for various value homes comparing Coon Creek Watershed District levy going forward with the Six Cities WMO based on the current budget and 10 year Capital Improvement Plan. The financial impact to residents for watershed management will be nearly the same in 2013 and less in 2015 if the City of Coon Rapids opts out of the Six Cities WMO and is attached to the Coon Creek Watershed District. Staff believes a higher level of service can be provided by the watershed district for similar annual budget expenditures beginning in 2013.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SIDOTI, TO APPROVE RESOLUTION 10-108, REQUESTING THE COON CREEK WATERSHED DISTRICT EXPAND THE BOUNDARIES OF THE COON CREEK WATERSHED DISTRICT TO INCLUDE A PORTION OF THE CITY OF COON RAPIDS CURRENTLY IN THE SIX CITIES WATERSHED MANAGEMENT ORGANIZATION.

Councilmember Johnson indicated this request made the most financial sense for the City.

Mayor Howe agreed, stating this would be a big change but would greatly benefit the affected residents. Public Services Director Gatlin explained the services provided to the residents in this area would be increased by the Coon Creek Watershed District.

THE MOTION PASSED UNANIMOUSLY.

10. CONSIDER RESOLUTION 10-122 ADOPTING THE COON RAPIDS BOULEVARD FRAMEWORK PLAN AND AMEND THE COMPREHENSIVE PLAN TO INCORPORATE THE COON RAPIDS BOULEVARD FRAMEWORK PLAN

Community Development Specialist Brown presented a memorandum asking Council to consider adopting an updated *Coon Rapids Boulevard Framework Plan* and a text amendment to the Comprehensive Plan incorporating the *Framework Plan*.

Initially adopted in 2000, the *Coon Rapids Boulevard Framework Plan* establishes policies for transportation enhancements, public improvements, land use, site and building design for new development, and priorities for redevelopment along the Coon Rapids Boulevard corridor. The Comprehensive Plan recommends updating the *Framework Plan* periodically to respond to changing conditions and priorities. Staff has drafted an updated Plan with input from the Planning Commission, City Council, and key stakeholders. Key policies and actions include:

1. Zoning between Ports. The current River Rapids Overlay zoning allows continuation of most existing commercial uses, but also allows for redevelopment of existing sites as either commercial or residential uses. The updated Plan proposes continuing this policy, rather than changing zoning to create nonconforming uses. However, the Plan proposes prohibiting additional intense commercial uses from the River Rapids Overlay District, such as marine sales, trailer sales, warehouses, and gun clubs.
2. Site Assembly. Lot sizes between the Ports are generally small, making redevelopment difficult. The updated Plan proposes establishing a “density bonus,” allowing higher residential densities on larger parcels.
3. Densities between Ports. Current zoning allows up to seven units per acre for residential developments between the Port districts. Because this density is generally not sufficient to encourage redevelopment of older commercial sites, the updated Plan recommends increasing the allowable density to 10 units per acre.
4. Frontage Roads. The current plan recommends eliminating or rerouting frontage roads in some locations. The proposed Plan reaffirms the policy established by the Access Management Study, which recommends maintaining the frontage road system.
5. Approval Process. Currently, Port Master Plans and revisions to them must be considered at two Planning Commission and Council meetings. Site plans in the Ports must be considered by the Council in addition to the Planning Commission. The updated Plan recommends streamlining this process to expedite development proposals.

6. **Site Standards.** The Plan continues to recommend generally moderate setbacks for new buildings with landscaped yards. Building entrances should be connected to public sidewalks, parking lots should be located to the side or rear of buildings and screened from public view, and pedestrian-scale lighting and streetscape amenities should be provided.
7. **Building Standards.** The updated Plan recommends modifying the requirement for “two-story expression” on new buildings and eliminating building size requirements and floor-area ratio requirements that are no longer relevant.
8. **Roadway Reconstruction/Sound Walls.** Use of federal funds for roadway expansion east of Hanson Boulevard could trigger a requirement for noise walls in certain areas. Because noise walls could detract from the visual quality of the corridor, the updated Plan recommends seeking alternative ways of mitigating negative impacts of the expansion.

At its November 18, 2010 meeting, the Planning Commission recommended approval of the updated *Framework Plan* and text amendment to the Comprehensive Plan.

This item relates to the Community Development and Redevelopment section of the 2030 Strategic Vision by encouraging high-quality, orderly redevelopment along the Coon Rapids Boulevard corridor.

MOTION BY COUNCILMEMBER SIDOTI, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION 10-122, ADOPTING THE COON RAPIDS BOULEVARD FRAMEWORK PLAN AND APPROVING A TEXT AMENDMENT TO CHAPTER 2 OF THE COMPREHENSIVE PLAN INCORPORATING THE COON RAPIDS BOULEVARD FRAMEWORK PLAN.

Councilmember Schulte stated the majority of the changes made to the document were positive. He expressed some concern with the language changes made to the frontage road systems as they did serve a purpose or function to the surrounding residents.

Mayor Howe commented he was troubled by the increased density proposed along Coon Rapids Boulevard. He stated the higher density developments impact the school districts and their tax base does not support their district-wide needs. Perhaps by increasing the density the tax base would assist with supporting the needs of these developments.

Councilmember Klint was in favor of the modified two-story buildings to avoid the lean-to look of buildings along Coon Rapids Boulevard. Community Development Director Nevinski indicated staff was aware of the direction of Council on this issue.

Councilmember Johnson stated potential sound walls would be a disaster through this corridor. Community Development Director Nevinski explained this issue was continuing to evolve at a federal and state level and no decisions have been made to date.

Councilmember Sidoti stated in working with Anoka County on this issue, the sound walls have become a federal mandate. The County has been looking for ways to circumvent this mandate.

Mayor Howe thanked City staff and the Planning Commission for working through and updating the framework.

THE MOTION PASSED UNANIMOUSLY.

11. CONSIDER RESOLUTION 10-123 ESTABLISHING THE HOUSING CHAPTER OF THE 2030 COMPREHENSIVE PLAN AS THE HOUSING ACTION PLAN ELEMENT OF THE LIVABLE COMMUNITIES PROGRAM

Housing and Zoning Coordinator Bennett presented a memorandum to Council stating on August 17, 2010, the City Council adopted Resolution 10-88 establishing Affordable and Life-Cycle Housing Goals and electing to continue participation in the Local Housing Incentive Account under the Metropolitan Livable Communities Act for the period 2011 through 2020. Council is requested to adopt a resolution establishing the Housing Chapter of the City's 2030 Comprehensive Plan as the Housing Action Plan element of the Livable Communities Program.

The Minnesota legislature enacted the Metropolitan Livable Communities Act (LCA) in 1995 to address the metropolitan area's affordable and lifecycle housing needs. The program, administered by the Metropolitan Council, creates funding opportunities to help cities carry out development plans that provide for housing choices new jobs and business growth. Participation in the program is voluntary. The City has participated in the program since its inception.

The Metropolitan Council's definitions of low and moderate incomes are consistent with the income limits used by other housing development and ownership assistance programs, including Minnesota Housing and the U.S. Department of Housing and Urban Development (HUD). Affordable ownership housing is defined as affordable to buyers earning 80% of area median income – an income of \$64,400 in 2010. A household earning this income could afford a home costing approximately \$233,100. Affordable rental housing is defined as housing that is affordable to renters earning 50% of area median income - an income of \$42,000 in 2010. A household earning this income could afford to pay \$945 per month for rent and utilities for a two-bedroom unit.

Life-cycle housing, as defined by the Metropolitan Council, refers to varied housing options that meet people's preferences and circumstances at each of life's stages, providing a balance of single-family homes, apartments, condominiums, townhouses and senior housing for either independent living or with a range of assisted living services.

Resolution 10-88 established the following ranges for Affordable Housing and Life-Cycle Housing Goals for Coon Rapids' participation in the Livable Communities program for 2011-2020:

Affordable Housing Goals Range:	130-200 units
Life-Cycle Housing Goals Range:	200-900 units

In addition to the affordable and life-cycle housing goals, participation in the LCA LHIA program requires that the City submit a Housing Action Plan covering the period 2011-2020 to the Metropolitan Council. The Metropolitan Council is encouraging cities to submit the housing element of its Comprehensive Plan. The Housing Chapter of the 2030 Comprehensive, modified only to identify it as the Livable Communities Housing Action Plan, is available for reference.

The Housing Action Plan outlines steps the City will take to meet its LCA goals. It is intended to address implementation tools, timelines and, to the extent possible, the number of households assisted and any targeted populations.

This item relates to the Community Development/Redevelopment and Housing sections of the City's long term strategic vision in the following ways: 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. Neighborhoods are stable, safe and connected; predominantly owner-occupied housing is well maintained and offers life cycle housing options.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT RESOLUTION 10-123, ADOPTING THE HOUSING CHAPTER OF THE 2030 COMPREHENSIVE PLAN AS MODIFIED AS THE HOUSING ACTION PLAN FOR PARTICIPATION IN THE LOCAL HOUSING INCENTIVES ACCOUNT UNDER THE METROPOLITAN LIVABLE COMMUNITIES ACT. THE MOTION PASSED UNANIMOUSLY.

12. 2011 FEE REVISIONS:

- A. CONSIDER ADOPTION OF ORDINANCE ESTABLISHING 2011 PERMIT AND INSPECTION FEES FOR THE BUILDING INSPECTIONS DIVISION
 - B. CONSIDER RESOLUTION 10-121 REVISING SEWER AVAILABILITY CHARGES (SAC)
 - C. CONSIDER RESOLUTION 10-125 ESTABLISHING CERTAIN FEES AND CHARGES
 - D. CONSIDER RESOLUTION 10-126 ESTABLISHING CERTAIN FEES AND CHARGES FOR USE OF THE CTN STUDIO FACILITIES
 - E. CONSIDER RESOLUTION 10-127 ESTABLISHING CERTAIN FEES AND CHARGES FOR USE OF CITY PARK FACILITIES
 - F. CONSIDER RESOLUTION 10-128 ESTABLISHING CERTAIN FEES AND CHARGES FOR ADULT SOFTBALL LEAGUES
-

A memorandum was presented from Manager of Accounting/Treasurer Vouk stating on November 16, an ordinance adjusting building inspection fees was introduced by the City Council. Rates for the ice arena, golf course, and utility funds are set by separate City Council action throughout the year.

State Statutes require that the amount charged for fees not exceed the cost of providing the service. Since most administrative salary increases in 2010 were not added to base salaries and thus will not

carry into 2011, as well as holding the line on other expenditures in the 2011 budget, it is recommended that most fees included here not be increased for 2011. Furthermore, certain fees under Section 5-209 (alcoholic beverages) and the gambling investigation fee under Section 5-2008 of the City Code are set by Minnesota Statutes and did not change for 2011.

Items to note or exceptions to the no-fee increase are as follows:

Ordinance Establishing Building Inspection Fees

There were several changes to the building inspection permit fee structure approved during 2010. The attached ordinance combines the original 2010 schedule with those changes and indicates that the new schedule is in effect for 2011 and thereafter until revised. There are no changes to the amounts.

Resolution Establishing Sewer Availability Charges (SAC)

Metropolitan Council Environmental Services (MCES) has notified the City that the basic metropolitan SAC charge will be increased \$130 or 6.2%. SAC charges are collected by the City and remitted to MCES for all new or expanding sewer system users. The funds are used to retire debt incurred to build and expand the metro sewer system. Resolution 10-121 provides for the increase, changing the single family SAC from \$2,150 to \$2,280 which includes \$50 that the City retains. Other housing types are increased on a pro rata basis as detailed in the resolution. The \$50 that the City retains is not proposed to increase.

Resolution Establishing Certain Fees and Charges

Supplemental Search Detail. If supplemental detail is needed beyond a basic assessment or utility account search, a \$10 fee is proposed in addition to the \$15 basic fee.

Water Service for Inspections. If an inspection of the water system is needed for a vacant property where the water had to be turned off at the curb stop, a fee of \$65/visit is proposed to turn the water on and off again. The fee covers the cost of a trip visit, locating the curb stop, and turning on the water. If the inspection can be completed immediately, the turn off and indoor check can also be done in the same visit. If not, another visit and charge would apply.

Water Meters. The City purchases water meters and sells them to contractors for installation in new construction. The sales price consists of our cost (including sales tax) and a markup of 33% to cover handling and future replacements since there is no charge for the replacement of water meters. The rates included for water meters are based on our current costs.

Open Burning Permit. City Code Section 12-415(8b) requires the payment of a fee for an open burning permit (open burning is defined separately from recreational fires in the City Code). A fee has not been adopted previously for this permit. It is proposed that this fee be set at \$100.

Fireworks Peddlers Inspection. A fee for the inspection of temporary sites storing fireworks is proposed in the amount of \$120 for an initial inspection and \$75 for each re-inspection.

Water Flow Test. This fee for the fire department is being increased from \$100 to \$125 to offset costs actually incurred.

Copying of Audio Tapes. This proposed \$40 fee per 60 minute tape is to cover the cost of making duplicate audio tapes of recorded meetings.

Resolution Establishing Certain Fees and Charges for CTN Studios

The CTN fee schedule has been updated to reflect equipment that is currently in use. Also, only daily rates are included for the production truck and hourly rates have been eliminated. Copies of CTN programs are now listed at a flat rate since the length of a program does not affect the cost of making a copy in the DVD format.

Resolution Establishing Certain Fees and Charges for Use of City Park Facilities

New fees were added for Sand Creek concession stand rental (\$60 for the first 3 hours; \$10/hour thereafter) and dumpster rental (\$150/unit). In addition, athletic field rentals were changed to reflect resident/non-resident charges for either a 2 hour rate or a tournament daily rate per field. Other changes include the addition of hourly rates after the fixed 3 hour rate for shelters at Lions Coon Creek and the addition of a fee for ice rink rental.

Resolution Establishing Certain Fees and Charges for Adult Softball League Fees

Registration fees for adult softball leagues were increased 3% to cover umpire and sanctioning fees along with equipment costs.

This item relates to the Excellence in Government section of the City's long-term strategic vision by ensuring that fees cover the cost of providing the related service or the amount allowed under State Statutes.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SIDOTI, TO ADOPT AN ORDINANCE ESTABLISHING PERMIT AND INSPECTION FEES FOR THE BUILDING INSPECTIONS DIVISION AS AUTHORIZED BY MINNESOTA STATUTES SECTION 16B.62, SUBDIVISION 1 EFFECTIVE JANUARY 1, 2011; RESOLUTION 10-121 REVISING SEWER AVAILABILITY CHARGES (SAC) EFFECTIVE JANUARY 1, 2011; RESOLUTION 10-125 ESTABLISHING CERTAIN FEES AND CHARGES EFFECTIVE JANUARY 1, 2011; RESOLUTION 10-126 ESTABLISHING CERTAIN FEES AND CHARGES FOR USE OF CTN STUDIO FACILITIES EFFECTIVE JANUARY 1, 2011; RESOLUTION 10-127 ESTABLISHING CERTAIN FEES AND CHARGES FOR USE OF CITY PARK FACILITIES EFFECTIVE JANUARY 1, 2011; AND RESOLUTION 10-128 ESTABLISHING CERTAIN FEES AND CHARGES FOR ADULT SOFTBALL LEAGUE FEES EFFECTIVE JANUARY 1, 2011. THE MOTION PASSED UNANIMOUSLY.

13. CONSIDER INTRODUCTION OF ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO PROVIDE CHANGES IN THE ZONING CLASSIFICATION, INDUSTRIAL AND

COMMUNITY COMMERCIAL TO INDUSTRIAL AND OFFICE, SPRINGBROOK DRIVE
AND 87TH AVENUE NW, PC 10-30

Planner Harlicker presented a memorandum to Council stating the city is requesting approval of a zone change from Industrial and Community Commercial to Industrial and Office. The subject property is located between Springbrook Drive and Evergreen Boulevard at 87th Avenue NW.

In 2009 the City Council adopted its 2030 Comprehensive Land Use Plan which guides future land use policies and decisions. The properties proposed for rezoning total 45.9 acres. Most of the site is undeveloped. A 1.2 acre lot is a chiropractic office/fitness center, .39 is a roadway and about 14 acres is use for stormwater ponding. On the previous plan the property had a land use designation of Industrial and Community Commercial; the current plan changed the land use designation to Industrial and Office. The Office designation provides for the location of office and other commercial uses. The Industrial designation is primarily a manufacturing, warehousing and similar industrial uses district.

State statute requires the zoning of a parcel be consistent with its land use designation. To bring the zoning map into compliance with the new land use map, several areas of the city need to be rezoned.

The current zoning of Industrial and Community Commercial is consistent with the previous Industrial and Community Commercial land use designation. To make the zoning consistent with the current Industrial and Office land use designation, the zoning of the subject parcels should be changed to Industrial and Office.

The existing chiropractic office and fitness facility are allowed in both the Office and Community Commercial Districts. The Office and Community Commercial Districts are similar in what uses are allowed in each. However, there are differences whether a use is permitted or a conditional use. Retail stores, for example, are a permitted use in the Community Commercial District and a conditional use in the Office District. Attached is a table that compares the uses allowed in the Office and Community Commercial Districts.

In September, the City Council and Planning Commission held a joint workshop. One of the issues discussed at that workshop was the rezoning of this area. Following the workshop, the direction of the Council and Commission was to move forward with the proposed rezoning to Office and Industrial.

At the November 18th Planning Commission meeting, Jerry Teeson, representing Shamrock Development, spoke at the public hearing. They believe that, given the surrounding land uses, the current lack of demand for office space and proximity to Highway 47, the appropriate zoning for the area adjacent to Springbrook Drive is General Commercial. They are not opposed to the Industrial zoning along Evergreen Boulevard.

During the drafting of the Comprehensive Plan, the goal of job creation and retention was recognized as a top priority. To help meet this goal, areas of the city were identified for long term industrial and office development. This area was identified because of the proximity to existing

industrial and office development, proximity to Highway 47 and from there Highways 610 and 10, and because it is one of the last larger undeveloped tracts of land in the City.

The Commission voted 7:0 to recommend approval of the zone change.

This item relates to the Community Development and Redevelopment section of the City's long term strategic vision in that the proposed rezoning will promote a sustainable growing economic base.

Councilmember Sidoti cautioned the Council from zoning additional property to office as there was an abundance of office space within the City and the corporate world was shifting from offices to working from home.

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

14. CONSIDER INTRODUCTION OF ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO PROVIDE CHANGES IN THE ZONING CLASSIFICATION, GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL, 3531 COON RAPIDS BOULEVARD, PC 10-32

Planner Harlicker presented a memorandum to Council stating the city is requesting approval of a zone change from General Commercial to High Density Residential.

In 2009 the City Council adopted its 2030 Comprehensive Land Use Plan, which guides future land use policies and decisions. The property proposed for rezoning consists of two lots and totals 1.6 acres. Pederson Floral and Greenhouse is located on the site. On the previous plan the property had a land use designation of General Commercial; the current plan changed the land use designation to High Density Residential. The General Commercial designation provides for the location of highway oriented commercial uses. The High Density Residential designation is primarily residential with multi-family at a density of seven to thirty units per acre.

State statute requires the zoning of a parcel be consistent with its land use designation. To bring the zoning map into compliance with the new land use map, several areas of the city need to be rezoned.

The current zoning of General Commercial is consistent with the previous General Commercial land use designation. To make the zoning consistent with the current High Density Residential land use designation, the zoning of the subject parcels should be changed to High Density Residential.

The proposed rezoning would make the existing business non-conforming.

At the Planning Commission meeting held on November 18th, one resident spoke at the public hearing. The Commission explained what type of density is allowed in the High Density Residential District. The owner of the subject property submitted a letter in which he explained he was opposed to the proposed rezoning to high density residential. He believes that commercial zoning is appropriate because of the proximity to U-Haul. He also had some interest from developers about

constructing an office building. The Commission also discussed access and how the limited access from Coon Rapids Boulevard is better suited for high density residential development than office development. The Commission voted 7:0 to recommend approval of the zone change.

This item relates to the Community Development and Redevelopment section of the City's long term strategic vision in that the proposed rezoning supports the 2030 Comprehensive Plan.

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

15. CONSIDER INTRODUCTION OF ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO PROVIDE CHANGES IN THE ZONING CLASSIFICATION, LOW DENSITY RESIDENTIAL TO MODERATE DENSITY RESIDENTIAL, 9055, 9065, 9085 AND 9095 EAST RIVER ROAD, PC 10-34

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

In 2009 the City Council adopted its 2030 Comprehensive Land Use Plan, which guides future land use policies and decisions. The property proposed for rezoning consists of six lots and totals 1.7 acres. There are three single family homes the site. On the previous plan the property had a land use designation of Low Density Residential; the current plan changed the land use designation to Moderate Density Residential. The Low Density Residential designation is primarily residential with single family homes. The Moderate Density Residential designation is primarily residential with attached housing at a density of four to seven units per acre.

State statute requires the zoning of a parcel be consistent with its land use designation. To bring the zoning map into compliance with the new land use map, several areas of the city need to be rezoned.

The current zoning of Low Density Residential is consistent with the previous Low Density Residential land use designation. To make the zoning consistent with the current Moderate Density Residential land use designation, the zoning of the subject parcels should be changed to Moderate Density Residential.

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

At the November 18th Planning Commission meeting, no one spoke at the public hearing. The Commission discussed the fact that the existing single family homes would become non-conforming uses. They explained to one of the property owners what "non-conforming" means and that their home could be maintained, repaired or replaced but could not be expanded. They could also sell their home to someone and the buyers could continue using it as a single family home. The Commission voted 6:1 to recommend approval of the zone change.

This item relates to the Community Development and Redevelopment section of the City's long term strategic vision in that the proposed rezoning supports the 2030 Comprehensive Plan.

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

16. CONSIDER INTRODUCTION OF ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO PROVIDE CHANGES IN THE ZONING CLASSIFICATION, GENERAL COMMERCIAL TO COMMUNITY COMMERCIAL, 8780 UNIVERSITY AVENUE, PC 10-35

Planner Harlicker presented a memorandum to Council stating the city is requesting approval of a zone change from General Commercial to Community Commercial

In 2009 the City Council adopted its 2030 Comprehensive Land Use Plan, which guides future land use policies and decisions. The property proposed for rezoning consists of two lots and totals 1.6 acres. Two fast food restaurants are located on the site. On the previous plan the property had a land use designation of General Commercial; the current plan changed the land use designation to Community Commercial. The General Commercial designation provides for the location of highway oriented commercial uses. The Community Commercial designation is for moderately intense shopping centers.

State statute requires the zoning of a parcel be consistent with its land use designation. To bring the zoning map into compliance with the new land use map, several areas of the city need to be rezoned.

The current zoning of General Commercial is consistent with the previous General Commercial land use designation. To make the zoning consistent with the current Community Commercial land use designation, the zoning of the subject parcels should be changed to Community Commercial.

The proposed rezoning would not make the existing business non-conforming.

At the November 18th Planning Commission meeting, no one spoke at the public hearing. The Commission voted 7:0 to recommend approval of the zone change.

This item relates to the Community Development and Redevelopment section of the City's long term strategic vision in that the proposed rezoning supports the 2030 Comprehensive Plan.

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

17. CONSIDER INTRODUCTION OF ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO PROVIDE CHANGES IN THE ZONING CLASSIFICATION, INDUSTRIAL TO OFFICE, 1760 AND 1740 116TH AVENUE NW, PC 10-36

Planner Harlicker presented a memorandum to Council stating the city is requesting approval of a zone change from Industrial to Office.

In 2009 the City Council adopted its 2030 Comprehensive Land Use Plan, which guides future land use policies and decisions. The property proposed for rezoning consists of two lots and totals 2.1 acres. Two office buildings are located on the site. On the previous plan the property had a land use designation of Industrial; the current plan changed the land use designation to Office. The Industrial designation provides for light manufacturing, warehouses and services. The Office designation is administrative, professional, medical or clerical services, and limited commercial.

State statute requires the zoning of a parcel be consistent with its land use designation. To bring the zoning map into compliance with the new land use map, several areas of the city need to be rezoned.

The current zoning of Industrial is consistent with the previous Industrial land use designation. To make the zoning consistent with the current Office land use designation, the zoning of the subject parcels should be changed to Office.

The proposed rezoning would not make the existing business non-conforming.

At the November 18th Planning Commission meeting, no one spoke at the public hearing. The Commission voted 7:0 to recommend approval of the zone change.

This item relates to the Community Development and Redevelopment section of the City's long term strategic vision in that the proposed rezoning supports the 2030 Comprehensive Plan.

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

18. CONSIDER INTRODUCTION OF ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO PROVIDE CHANGES IN THE ZONING CLASSIFICATION, GENERAL COMMERCIAL TO CONSERVANCY, 2501 MAIN STREET, PC 10-38

Planner Harlicker presented a memorandum to Council stating the city is requesting approval of a zone change from General Commercial to Conservancy.

In 2009 the City Council adopted its 2030 Comprehensive Land Use Plan, which guides future land use policies and decisions. The property proposed for rezoning consists of one lot and totals 10.3 acres. A stormwater pond is located on the site. On the previous plan the property had a land use designation of General Commercial; the current plan changed the land use designation to Park, Recreation and Preserve, and Utility. The General Commercial designation provides for the location of highway oriented commercial. The Park, Recreation and Preserve designation is primarily public recreation activities. The Utility designation is public or private land occupied by power plant or substation or municipal water facility.

State statute requires that the zoning of a parcel be consistent with its land use designation. To bring the zoning map into compliance with the new land use map, several areas of the city need to be

rezoned. This request is one of the rezonings that are needed so that the zoning map is consistent with the land use map.

The current zoning of General Commercial is consistent with the previous General Commercial land use designation. To make the zoning consistent with the current Park, Recreation and Preserve, and Utility land use designation, the zoning of the subject parcels should be changed to Conservancy

The proposed rezoning would not make the existing use non-conforming.

At the November 18th Planning Commission meeting, no one spoke at the public hearing. The Commission voted 7:0 to recommend approval of the zone change.

This item relates to the Community Development and Redevelopment section of the City's long term strategic vision in that the proposed rezoning supports the 2030 Comprehensive Plan.

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

19. CONSIDER INTRODUCTION OF ORDINANCE AMENDING CITY CODE; REVISING THE RIVER RAPIDS OVERLAY DISTRICT PERMITTED USES AND ACCESSORY USES AND ADDING DEVELOPMENT GUIDELINES FOR LOADING SPACES, OVERHEAD DOORS, AND SERVICE AREAS WITHIN THE INDUSTRIAL ZONING DISTRICT, PC 10-40

Planner Harlicker presented a memorandum to Council stating the City is proposing an ordinance amendment to amend the Section 11-2700 to specify what industrial uses are allowed in the River Rapids Overlay District when the underlying zoning is Industrial and to prohibit loading areas from facing Coon Rapids Boulevard.

In September, the City Council and Planning Commission held a joint workshop. One of the issues discussed at that workshop was the rezoning of the area bounded by Coon Rapids Boulevard, Coon Rapids Boulevard Extension and the BNSF railroad tracks. This area is currently zoned Industrial with a land use designation of Office. The City had initiated a rezoning request to change the zoning from Industrial to Office so that it is consistent with the land use designation of Office. Following the workshop, the direction of the Council and Commission was to retain the current Industrial zoning, initiate a comprehensive plan amendment to change the land use designation from Office to Industrial and propose an ordinance amendment to allow certain industrial uses in the River Rapids Overlay District (RRO).

At this time the area bounded by Coon Rapids Boulevard, Coon Rapids Boulevard Extension and the BNSF railroad tracks is the only area in the RRO that is zoned Industrial. The Council and Commission expressed concern about allowing all industrial uses in the RRO. The permitted, accessory and conditional industrial uses were reviewed to determine which would be appropriate for the Boulevard. The high visibility of this area and the Boulevard in general, and the impact of

project generated traffic were among the issues considered while reviewing the industrial uses. The design standards that are required for any development in the RRO will impact what type of industrial uses might locate along the Boulevard and address the visual and aesthetic impacts of industrial buildings.

A list of industrial uses that would be allowed in the RRO was provided. No changes are being proposed for Section 11-1600.

Permitted Uses

The proposed ordinance would allow all the permitted industrial uses except for agricultural uses, wholesale business, warehouses or freight terminals and self storage facilities. Self storage facilities are currently allowed in the RRO with specific conditions per current Section 11-2708(4)(b) [to be renumbered as 11-2708(5)(b)].

Accessory Uses

All accessory uses are allowed.

Conditional Uses

Because of the potential off site impacts such as noise, aesthetics, odor and traffic none of the conditional uses listed in the Industrial District are allowed.

Changes to Design Standards

To limit the negative aesthetic impacts of loading areas and loading doors, Section 11-2711 Development Guidelines, will be amended to include language that prohibits them from facing Coon Rapids Boulevard. The design standards were based on those in the Northstar Business Park Overlay District.

At the November 18th Planning Commission meeting, one person spoke at the public hearing. Charlie Pfeffer asked if warehousing as an accessory use to a manufacturing or assembly business would be permitted. Warehousing as an accessory use would be permitted but would not be permitted as a principle use. The Commission also discussed how the proposed changes would impact DOT Storage. Any expansion of the storage business would require a site plan and conditional permit under the current code and would still be required under the proposed changes. The Commission voted 7:0 to recommend approval of the ordinance amendment.

This item relates to the Community Development and Redevelopment section of the City's long term strategic vision in that the proposed rezoning will promote a sustainable growing economic base.

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

20. OTHER COUNCIL BUSINESS
A. WCCO SITE UPKEEP

Community Development Director Nevinski presented a memorandum to Council stating at the last meeting, Councilmember Schulte expressed concern about the recent lack of upkeep at the WCCO

site.

Staff contacted WCCO and inquired about the upkeep of the property. WCCO stated that they have already secured bids to clean up and remove some trees at the property and are awaiting authorization from management. They expect the work to be completed no later than mid December.

B. HOME DEPOT MEDIAN UPKEEP

Community Development Director Nevinski presented a memorandum to Council stating at the November 16, 2010, Council meeting, Mayor Howe asked staff to follow up on ownership of the center medians near Home Depot, as they were in need of maintenance.

Staff verified that the property south of Riverdale Drive and 124th Avenue NW is privately owned, including the center medians. Staff will contact the property owner to ask that the medians be cleaned up.

Councilmember Johnson requested staff inspect the intersection of Coon Rapids Boulevard and Crooked Lake Boulevard. There has been a utility truck at this intersection for several weeks.

Councilmember Schulte stated the street sign on Coon Rapids Boulevard and Hanson Boulevard was down after a car hit this sign. He requested staff stand this sign back up.

21. ADJOURN

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER LARSON, TO ADJOURN THE MEETING AT 8:58 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Joan A. Anderson, City Clerk