



Council Work Session - 6:30 p.m.
CITY COUNCIL AGENDA
Tuesday, September 17, 2024
7:00 p.m.
Coon Rapids City Center
Council Chambers

Call to Order

Pledge of Allegiance

Roll Call

Adopt Agenda

Proclamations/Presentations

Approval of Minutes of Previous Meeting

1. Approve Minutes of September 3, 2024

Consent Agenda

2. Approve Therapeutic Massage Enterprise License for Fiona's Day Spa, 3183 Northdale Blvd NW, Suite B

Public Hearing

Bid Openings and Contract Awards

Old Business

3. Consider Adoption of Ordinance 2313 to Amend 8-200 Waste Collection and Recycling

New Business

4. Consider Change Order for Purchase of a Community Development & Business Licensing Software
5. Consider Memorandum of Understanding with Anoka Hennepin District 11 for School Resource and Prevention Program Officer Services
6. Consider Adoption of an Electronic Funds Transfer (EFT) Policy & Adoption of Resolution 24-90 Designating Electronic Funds Transfer Authority
7. Consider Resolution 24-88 Waiving Municipal Consent for State Project 0215-87 (CP 19-26)

8. Consider Resolution 24-89 Amending the 2024 Budget and Authorizing an Interfund Loan for Boulevard Tree Removal
9. Consider Introduction of an Ordinance to Amend City Code Section 5-1500 Prohibited Practices for Solicitors

Open Mic/Public Comment

Reports on Previous Open Mic

Other Business

Adjourn



City Council Regular

1.

Meeting Date: 09/17/2024

Subject: Approve Minutes of September 3, 2024

From: Joan Lenzmeier, City Clerk

INTRODUCTION

DISCUSSION

RECOMMENDATION

Attachments

September 3, 2024

UNAPPROVED

COON RAPIDS CITY COUNCIL MEETING MINUTES OF SEPTEMBER 3, 2024

CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of September was called to order by Mayor Jerry Koch at 7:00 p.m. on Tuesday, September 3, 2024, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Koch led the Council in the Pledge of Allegiance.

ROLL CALL

Members Present: Mayor Jerry Koch, Councilmembers Brad Greskowiak, Kari Rehrauer, Jennifer Geisler, and Pat Carlson

Members Absent: Sean Novack and Brian Armstrong

ADOPT AGENDA

MOTION BY COUNCILMEMBER CARLSON, SECONDED BY COUNCILMEMBER REHRAUER, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

PROCLAMATIONS/PRESENTATIONS

None.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

1. AUGUST 20, 2024, COUNCIL MEETING

MOTION BY COUNCILMEMBER GRESKOWIAK, SECONDED BY COUNCILMEMBER GEISLER, FOR APPROVAL OF THE MINUTES OF THE AUGUST 20, 2024, COUNCIL MEETING. THE MOTION PASSED (4-0-1, COUNCILMEMBER CARLSON).

CONSENT AGENDA/INFORMATIONAL BUSINESS

2. ADOPT RESOLUTION 24-87 ACCEPTING CENTERPOINT ENERGY COMMUNITY SAFETY GRANT
 3. ACCEPT DEED FROM EDA TRANSFERRING LAND TO THE CITY
 4. ADOPT RESOLUTION 24-80 ACCEPTING THE VICTIM SERVICES GRANT
-

MOTION BY COUNCILMEMBER CARLSON, SECONDED BY COUNCILMEMBER REHRAUER, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

5. CONDUCT PUBLIC HEARING, CONSIDER RESOLUTION 24-85 GIVING HOST APPROVAL TO THE ISSUANCE OF AN EDUCATIONAL FACILITIES REVENUE NOTE
-

The Staff report was shared with Council.

Mayor Koch opened and closed the public hearing at 7:09 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER CARLSON, TO ADOPT RESOLUTION 24-85 GIVING HOST APPROVAL TO THE ISSUANCE OF A CONDUIT EDUCATION FACILITIES REVENUE NOTE.

Councilmember Geisler pointed out the northern suburbs work well together. She thanked Staff for their work.

Councilmember Greskowiak added there is no financial obligation for the City. The updates will be well-received.

THE MOTION PASSED UNANIMOUSLY.

6. HOLD ASSESSMENT HEARING AND CONSIDER RESOLUTIONS 24-81, 24-82, 24-83 & 24-84 APPROVING THE MISC. 2024-2 ASSESSMENT LEVY
-

The Staff report was shared with Council.

Mayor Koch opened and closed the public hearing at 7:11 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER REHRAUER, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT RESOLUTION 24-81 ADOPTING 2024(2) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED ONE YEAR), ADOPT RESOLUTION 24-82 ADOPTING 2024(2) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED THREE

YEAR), ADOPT RESOLUTION 24-83 ADOPTING 2024(2) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED FIVE YEAR), AND ADOPT RESOLUTION 24-84 ADOPTING 2024(2) MISCELLANEOUS SPECIAL ASSESSMENTS (UNOPPOSED TEN YEAR).

Councilmember Geisler noted the length terms are dictated by the amount of the assessment.

Mayor Koch added the total assessment is \$147,000.

THE MOTION PASSED UNANIMOUSLY.

BID OPENINGS AND CONTRACT AWARDS

None.

OLD BUSINESS

None.

NEW BUSINESS

7. PLANNING CASE 24-22, CONSIDER SITE PLAN, FAMILY PROMISE OF ANOKA COUNTY, 340 95TH AVE NW

The Staff report was shared with Council.

Mayor Koch asked if there is a deed restriction on the property to avoid selling off a portion of the site. Community Development Director Matt Brown confirmed Staff would include a restriction to keep the parking spots. There will be striping to indicate the use for each parking spot.

Mayor Koch asked if there is a fence required for the parking area to stop headlights from disturbing residential properties. Mr. Brown stated a three-foot berm is a conditional requirement to decrease light pollution.

Councilmember Greskowiak pointed out Family Promise is a great organization. He asked if there is precedent for parking across the street to be included. Mr. Brown agreed the situation is unusual, but it is allowed in Code. Engineering Staff believe the traffic is not high enough to need striping.

Councilmember Greskowiak asked if a future use of an apartment would become a non-conforming use with the parking flexibility. Mr. Brown stated the Council could add a condition that a future user would need to address alternative parking measures. Councilmember

Greskowiak noted a future use would have a hard time because there isn't covered parking and parking would overflow to 94th.

Councilmember Carlson noted his support of Family Promise and the proposed use. His only concern would be future uses.

City Attorney David Brodie explained the parking agreement would run with the land to ensure minimum parking requirements are met. A future issue would be the lack of covered parking.

Mayor Koch stated the Council doesn't have the power to regulate future parking should the parcel on Coon Rapids Boulevard be sold off. The model of Family Promise is impactful, but they must consider future uses as well.

Councilmember Geisler noted her concern is setting a precedent to allow uncovered parking. The proposal is an acceptable exception. She asked if there could be a condition to prevent future projects from arguing for uncovered parking.

Councilmember Rehrauer suggested a condition could note the uncovered parking flexibility is allowed for transitional housing uses.

Mr. Brodie stated Coon Rapids doesn't have an option for boarding houses or other transitional housing, and the site is being treated as an apartment building.

Councilmember Geisler pointed out the condition could relate to the number of units rather than the type of housing.

Mayor Koch asked if the Council is setting a precedent for uncovered parking with the current proposal and its conditions. Mr. Brown stated the Council can grant flexibility for covered parking in two Districts when three specific conditions are met, so there are some fail-safes in place.

Councilmember Rehrauer stated she is okay with the project and motion as recommended.

Mayor Koch noted he still has concerns about the fencing near the parking lot. He cited another project where a fence was required. Mr. Brown stated the Code allows for a few options for screening. It is within the purview of the Council to alter the condition to include a fence rather than a berm.

Councilmember Rehrauer asked if the fences in the other project were a response to complaints from the community. Mayor Koch stated the fences were part of the initial proposal.

Andy Madson, Project Architect with LHB, explained Family Promise would likely be open to a fence or a hedge because the berm would be difficult to implement into the site plan. Councilmember Geisler stated it would be reasonable to amend the proposed condition to call for a fence rather than a berm.

Councilmember Greskowiak pointed out covered parking would address the future use concern and the light pollution concern. David Frei, Executive Director of Family Promise, explained they have researched similar facilities. It was recommended to avoid covered parking because it tends to become storage rather than parking when there is a transitional housing use.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER REHRAUER, IN PLANNING CASE 24-22, TO APPROVE THE PROPOSED SITE PLAN WITH THE FOLLOWING CONDITIONS:

1. ALL ENGINEERING COMMENTS BE ADDRESSED.
2. ALL SUSTAINABILITY COMMENTS BE CONSIDERED.
3. THE APPLICANT ENTER INTO A SITE SECURITY AGREEMENT WITH THE CITY.
4. ALL UNITS ON SITE, INCLUDING THE EXISTING SINGLE-FAMILY HOME, BE CONNECTED TO CITY SEWER AND WATER UTILITIES.
5. A SHARED PARKING AGREEMENT BE EXECUTED BETWEEN OWNERS OF THE SUBJECT PROPERTY AND OWNERS OF THE FAMILY PROMISE OFFICE SITE (PID: 25-31-24-43-0044).
6. THE PARKING LOT ON THE FAMILY PROMISE OFFICE SITE, TO BE USED FOR PARKING FOR THE APARTMENT PROJECT, BE STRIPED TO THE STANDARDS OF CITY CODE SECTION 11-1202.
7. A PARK DEDICATION FEE OF \$12,690 (\$1,410 PER UNIT FOR NINE UNITS) BE PAID PRIOR TO ISSUANCE OF BUILDING PERMITS.
8. ALL PARKING AREAS ON SITE BE LIT TO ONE FOOT CANDLE.
9. A RIGHT OF ENTRY AGREEMENT BE ESTABLISHED BETWEEN THE CITY AND PROPERTY OWNER TO PROVIDE CITY ACCESS TO HYDRANTS LOCATED OUTSIDE THE PUBLIC RIGHT OF WAY.
10. A SIX-FOOT PRIVACY FENCE BE PROVIDED BETWEEN THE PARKING AREA ON SITE AND THE ADJACENT SINGLE-FAMILY RESIDENTIAL PARCELS.
11. ALL SIGNAGE IS SUBJECT TO SEPARATE SIGN PERMITS.
12. THE APPLICANT WORK WITH STAFF TO ENSURE THAT FAÇADE AND ROOF MATERIALS ARE APPROPRIATE.

Mayor Koch asked if the shared parking agreement should be conditioned as irrevocable. Mr. Brodie stated the parking agreement should run with the land as it will be recorded on the properties.

THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER REHRAUER, SECONDED BY COUNCILMEMBER GEISLER, IN PLANNING CASE 24-22, TO APPROVE DIMENSIONAL FLEXIBILITY FOR COVERED PARKING, FINDING THAT THE MODIFICATIONS ARE NECESSARY TO RESPOND TO SITE CONDITIONS, RESULT IN BETTER INTEGRATION OF USES OR ADDITIONAL PUBLIC AMENITIES AND FURTHER THE INTENT OF THE PORT DISTRICT. THE MOTION PASSED UNANIMOUSLY.

8. **CONSIDER ACCEPTANCE OF PETITION FOR THE ESTABLISHMENT OF VILLAGE MANOR CONDOMINIUM ASSOCIATION HOUSING IMPROVEMENT AREA**

The Staff report was shared with Council.

Councilmember Greskowiak asked if it is typical for a city to get involved in an Association agreement. Mr. Brodie explained Coon Rapids handled a similar petition in 2016. There is Statutory allowance for the City to act as a sort of financial backer. The item is only the first step in the Statutory process, and there is no obligation for the City should the petition be accepted.

MOTION BY COUNCILMEMBER REHRAUER, SECONDED BY COUNCILMEMBER CARLSON, TO ACCEPT THE PETITION REQUESTING THE ESTABLISHMENT OF THE VILLAGE MANOR CONDOMINIUM ASSOCIATION HOUSING IMPROVEMENT AREA AND TO ORDER A PUBLIC HEARING FOR OCTOBER 15, 2024 AT 7:00 PM. THE MOTION PASSED UNANIMOUSLY.

9. **CONSIDER RESOLUTIONS ORDERING PREPARATION OF FEASIBILITY REPORT AND PLANS FOR PROJECT 25-1, STREET RECONSTRUCTION**

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER CARLSON, SECONDED BY COUNCILMEMBER GEISLER, TO ADOPT RESOLUTION NO. 25-1(3) ORDERING PREPARATION OF FEASIBILITY REPORT AND TO ADOPT RESOLUTION NO. 25-1(6) ORDERING PREPARATION OF PLANS. THE MOTION PASSED UNANIMOUSLY.

10. **CONSIDER INTRODUCTION OF ORDINANCE TO AMEND 8-200 WASTE COLLECTION AND RECYCLING**

The Staff report was shared with Council.

Mayor Koch asked if the Council would handle any appeal process. Mr. Brodie confirmed an appeal would first be reviewed by a Hearing Officer then by the Council if need be.

Councilmember Rehrauer pointed out there have been intense and thorough discussions about the Ordinance. She provided details about their considerations.

Councilmember Geisler added Coon Rapids wants quality services for its residents. A key change is a five strikes policy for haulers.

Mayor Koch stated if there are five bonified complaints, it would be a big deal and the City would

handle it.

Councilmember Carlson noted the haulers suggested many of the conditions.

City Manager Matt Stemwedel explained a benefit of the amendment would be for residents to organize together to use the same haulers on a cul-de-sac, for example. There will also be an online reporting option so the City will be more aware of any issues.

THE COUNCIL CONSIDERED THE ITEM AS INTRODUCED.

11. CONSIDER RESOLUTION 24-16(8) APPROVING PLANS AND SPECIFICATIONS
 AND ORDERING ADVERTISEMENT FOR BIDS - 2024 LIFT STATION
 REHABILITATION PROJECT

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER REHRAUER, SECONDED BY COUNCILMEMBER CARLSON, TO ADOPT RESOLUTION NO. 24-16(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR CITY PROJECT 24-16; 2024 LIFT STATION REHABILITATION PROJECT. THE MOTION PASSED UNANIMOUSLY.

12. CONSIDER RESOLUTION 24-86 ESTABLISHING 2024-2025 COON RAPIDS ICE
 CENTER RENTAL RATES AND APPROVE FEE STRUCTURE

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER CARLSON, TO ADOPT RESOLUTION NO. 24-86 ESTABLISHING 2024-2025 ICE RENTAL RATES FOR THE COON RAPIDS ICE CENTER AND APPROVE THE 2024-2025 COON RAPIDS ICE CENTER FEE STRUCTURE. THE MOTION PASSED UNANIMOUSLY.

13. CONSIDER APPROVAL OF THE 2024-2025 ICE CENTER USER CONTRACTS

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER REHRAUER, SECONDED BY COUNCILMEMBER CARLSON, TO APPROVE THE PROPOSED 2024-2025 COON RAPIDS ICE CENTER ANNUAL USER CONTRACTS WITH ANOKA-HENNEPIN INDEPENDENT SCHOOL DISTRICT NO. 11, COON RAPIDS YOUTH HOCKEY ASSOCIATION, THE MINNESOTA BLUE OX, MINNESOTA WILD SLED PROGRAM AND POWER EDGE AND AUTHORIZE CITY OFFICIALS TO EXECUTE ACCORDINGLY. THE MOTION PASSED UNANIMOUSLY.

14. **CONSIDER RESOLUTION 24-79 ESTABLISHING THE PRELIMINARY 2025 TAX LEVY**

The Staff report was shared with Council.

Mayor Koch encouraged residents to review the Budget in Brief on the City website.

MOTION BY COUNCILMEMBER GEISLER, SECONDED BY COUNCILMEMBER CARLSON, TO ADOPT RESOLUTION 24-79 ESTABLISHING THE PRELIMINARY 2025 TAX LEVY FOR THE CITY OF COON RAPIDS.

Councilmember Greskowiak pointed out they work on the budget throughout the year. They are addressing all capital needs and maintaining current services. There are 331 pages in the budget, and it is very thorough.

Councilmember Carlson agreed Staff did a great job implementing the priorities of the Council without any wasted spending.

Mr. Stemwedel explained Truth in Taxation notices are sent out in November which explain the tax impacts for the following year. There will be a public hearing at the first meeting in December. If residents have concerns about their tax impacts prior to the hearing, he encouraged them to reach out to Staff. The primary reason for tax increases is one's increase of property values.

Councilmember Rehrauer thanked Staff for their work on the budget and noted Coon Rapids has a lower levy than some neighbors.

THE MOTION PASSED UNANIMOUSLY.

OPEN MIC/PUBLIC COMMENT

Mayor Koch reviewed the rules of order for the Open Mic/Public Comment portion of the meeting.

REPORTS ON PREVIOUS OPEN MIC

15. **OPEN MIC REPORT – MS. SUSAN STEIN – ADDRESS**

Mayor Koch discussed Ms. Stein's comments made during Open Mic at the August 20, 2024 Council meeting.

16. **OPEN MIC REPORT – MR. DOUG STURGILL – ADDRESS**

Mayor Koch discussed Mr. Sturgill's comments made during Open Mic at the August 20, 2024 Council meeting.

OTHER BUSINESS

Mayor Koch noted most kids are headed back to school now.

Councilmember Geisler stated the Farmer's Market is on Wednesdays through the end of the month. There is a blood drive coming up with more details on the City website. September 14, 2024 there will be a Movie in the Park. September 10, 2024 will be a ribbon cutting for the new Fire Station.

Mayor Koch pointed out a retired Coon Rapids police officer Pete Beberg passed away. He was the first school liaison and served as a Mayor of Anoka for a few years. Councilmember Carlson added he was with Coon Rapids for 25 years and was a Chief Deputy with Anoka County for five years.

Public Works Director Tim Himmer explained Labor Day is the City's transition to winterizing the City's amenities.

ADJOURN

MOTION BY COUNCILMEMBER CARLSON, SECONDED BY COUNCILMEMBER GEISLER TO ADJOURN THE MEETING AT 8:11 P.M. THE MOTION PASSED UNANIMOUSLY.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

2.

Meeting Date: 09/17/2024

Subject: Approve Therapeutic Massage Enterprise License for Fiona's Day Spa, 3183 Northdale Blvd NW, Suite B

From: Stephanie Lincoln, Deputy City Clerk

INTRODUCTION

Fiona Rife of Fiona's Day Spa LLC, has submitted an application for a Therapeutic Massage Enterprise License for use at 3183 Northdale Blvd NW, Suite B.

DISCUSSION

Ms. Rife has submitted an application for Massage Enterprise licensing, paid the background investigation and license fee, and provided proof of the required Liability Insurance and proper educational documentation. Approval is contingent upon a successful background investigation and the issuance of a Certificate of Occupancy by the Building Inspections Department. It should be noted that Ms. Rife has previously been approved and held a Massage Enterprise License for the location of 12685 Riverdale Blvd NW, Room 24 and now is planning to move to this new location.

RECOMMENDATION

Council is requested to approve the issuance of a Therapeutic Massage Enterprise license to Fiona's Day Spa LLC, located at 3183 Northdale Blvd NW, Suite B, pending a successful background investigation and the issuance of a Certificate of Occupancy by the Building Inspections Department.



City Council Regular

3.

Meeting Date: 09/17/2024

Subject: Consider Adoption of Ordinance 2313 to Amend 8-200 Waste Collection and Recycling

From: David Brodie, City Attorney

INTRODUCTION

Consider Adoption of Ordinance 2313 to amend 8-200 Waste Collection and Recycling.

DISCUSSION

Recently, City staff and Council explored the possibility of organized hauling in the City. Ultimately, the Council made the decision to continue with the current system but address some of the concerns over service and other issues. Based on input from staff and Council, proposed amendments to Chapter 8-200 have been prepared. The proposed ordinance amendments to 8-200 would provide:

1. 8-209 - Limit the number of residential haulers to 3. Currently, there are 5 active haulers who are licensed for and provide residential garbage service in Coon Rapids. Those 5 would be able to continue their operation if they continued to meet the licensing requirement of 8-200.
2. In an effort to better protect residents and in response to complaints, 8-221 would be amended to provide that if five or more formal complaints are filed against a licensee, within a 12-month period, and which have been administratively reviewed and verified by city staff for accuracy, it may result in revocation, or non-renewal of a license.
3. Similarly, to better protect residents and in response to complaints, 8-224 is added to establish an administrative fine procedure. In addition to other remedies in the code (criminal/non-renewal/revocation of license), the administrative fine would permit the City to administratively fine haulers for violations of the applicable City Code.
4. A few minor changes were made as well as highlighted in the attached proposed ordinance.

The ordinance to amend Chapter 8-200 Waste Collection and Recycling was introduced at the September 3, 2024 City Council meeting.

RECOMMENDATION

Adopt Ordinance 2313 to amend 8-200 Waste Collection and Recycling and authorize summary publication.

Attachments

Ordinance 2313 to Amend Chapter 8-200

ORDINANCE NO. 2313

AN ORDINANCE AMENDING WASTE COLLECTION AND RECYCLING AND THEREBY AMENDING REVISED CITY CODE – 1982 SECTION 8-200

The City of Coon Rapids hereby ordains:

Section 1. Revised City Code – 1982 Section 8-200 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-201 Purpose. City Council finds that the improper storage, collection, and disposal of waste and recyclable materials constitute a public nuisance and a serious threat to the environment and public health. The Council therefore finds that the reasonable regulation of the storage, collection, and disposal of waste materials, and the encouragement of citizens to recycle waste materials to the extent possible, is necessary to provide for the public health, safety, and general welfare.

8-202 Definitions. For the purposes of this chapter, the following definitions will apply:

(1) “Authorized Recycling Program” means a program for the collection and recycling of recyclable materials which is instituted, sponsored, authorized, or controlled by the City of Coon Rapids.

(2) “Business” means any commercial, industrial, or institutional enterprise, except residential uses, including, but not limited to, offices, retail sales, wholesale sales, warehousing, restaurants, clubs, churches, and establishments of non-profit organizations where food is prepared or served or goods are sold.

(3) “Commercial Container” means any container intended for the collection of waste or recycling materials that exceeds 95 gallons in volume.

(4) “Director” means the City’s Public Works Director or the Director’s duly authorized representative. [Revised 11/6/13, Ordinance 2110]

(5) “Garbage” means any organic refuse, animal or vegetable, resulting from the preparation, consumption, display, dealing in or storage of meat, fish, fowl, fruit, or vegetables, including the cans, containers or wrappers wasted along with such materials, but not including recyclable materials.

(6) “Licensed Hauler” means any person licensed by the City of Coon Rapids to perform the services of collecting and disposing of waste, recycling materials, or yard waste, and any person providing any such services as a subcontractor thereto.

(7) “Mixed Municipal Solid Waste” means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include automobile hulks, street sweepings, ash, construction debris, mining waste, sledges, tree and agricultural waste, tires, lead acid batteries, motor and vehicle fuels and filters, and other materials collected, processed, and disposed of as

separate waste streams, but does include source-separated compostable materials.

(8) “Multi-unit Residential Use” means a residential structure, or group of residential structures under a single management, with five or more residential units.

(9) “Person” means an individual, firm, association, partnership, or corporation.

(10) “Recyclable Materials” means materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

(11) “Recycling” means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

(12) “Residential Container” means any container intended for the collection of waste or recycling materials that has a volume of 95 gallons or less.

(13) “Residential Household” means any attached or detached single, double, triple, or four unit dwellings and mobile homes.

(14) “Rubbish” means any solid wastes that are not garbage or recyclable materials.

(15) “Scavenging” means the unauthorized collection of recyclable materials that have been set out by the residents of the City specifically for participating in an authorized recycling program.

(16) “Source-separated compostable materials” means mixed municipal solid waste that is separated at the source by waste generators for the purpose of preparing it for use as compost, is collected separately from other mixed municipal solid waste, is comprised of food waste, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable because the Director of the Office of Environmental Assistance has determined that no other person is willing to accept the paper for recycling, and is delivered to a facility to undergo controlled microbial degradation to yield a human-like product meeting the pollution control agencies’ Class I or Class II or equivalent compost standards and where process residues do not exceed 15 percent by weight of the total materials delivered to the facility.

(17) “Waste” means any discarded material including, but not limited to, garbage, rubbish, and recycling materials.

(18) “Yard Waste” means garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings. [Revised 11/17/2017, Ordinance 2196]

8-203 Unlawful Deposit. It is unlawful for any person to deposit garbage, rubbish, the body of a dead animal or any portions thereof, or other waste or recyclable materials in or upon any public highway, street, alley, public waters or ice thereon, public lands, or, without the consent of the owner, in or upon any private lands or water or ice thereon.

8-204 Collection Service Required.

(1) Unless otherwise exempt as provided in this Section, every residential household and every multi-unit residential use with centralized collection must engage a licensed hauler for the collection of mixed municipal solid waste and recyclable materials generated by that household or residential use.

(2) Unless otherwise exempt as provided in this Section, every business must engage a

licensed hauler to provide for the collection of mixed municipal solid waste generated by the business and for the collection of such materials as required by law to be recycled by the business.

(3) A residential household or business may be exempted from the requirements of this Section upon demonstrating to the satisfaction of the City that environmentally sound alternative methods of collection will be used. Application for an exemption shall be made on forms provided by the City. The application shall be reviewed by the Director who will approve or deny the application and will notify the applicant in writing of the decision. Any applicant aggrieved by the decision of the Director may appeal that decision to the City Council. The request for an appeal must be in writing, specifically state the basis for the appeal, be signed by the applicant, and be received by the City within 10 business days of the written notice. The City Council shall hear the appeal at its next regularly scheduled meeting that is held at least seven days after receipt of the appeal request.

8-205 Containers.

(1) Mixed municipal solid waste generated by residential households must be stored in residential containers that are water tight, have a tight fitting lid, are impervious to insects, rodents, birds, and other pests, and are not capable of absorbing moisture. Such containers must be provided by the Licensed Hauler, and may be inspected by the City to ensure compliance. [Revised 11/6/13, Ordinance 2110]

(2) Mixed municipal solid waste generated by businesses and multi-unit residential uses must be stored in commercial containers approved by the Director and which are water tight, have a tight fitting lid, are impervious to insects, rodents, birds, and other pests, and are not capable of absorbing moisture.

(3) Recyclable materials for all uses must be stored in containers approved by the Director, and provided by and collected by a Licensed Hauler. [Revised 11/6/13, Ordinance 2110] Containers for recyclable materials must be kept in good repair as to be able to adequately perform this intended purpose.

(4) Yard waste must be placed in State approved compostable bags or containers provided by a licensed hauler, tied in bundles, or stacked in a neat orderly manner. [Revised 11/6/13, Ordinance 2110]

(5) If, upon inspections, the Director determines that a container is in poor repair, corroded, or otherwise defective condition so as to not comply with requirements of this Section, the Director will notify the provider or user in writing to repair or replace the container. The notice must include the specific defect or deficiency and provide a compliance date. If the defect or deficiency is not corrected by the compliance date, the Director will condemn the container and affix thereto a tag indicating such condemnation. It is unlawful for any person to use a condemned container for the storage and collection of mixed municipal solid waste. [Revised 11/06/13, Ordinance 2110]

8-206 Location of Containers and Yard Waste.

(1) The outside location of residential containers for the storage of mixed municipal solid waste, yard waste and recycling materials must be placed no closer to the street than the existing front yard setback of the residence.

(2) The location and screening of any commercial containers for the storage of mixed municipal solid waste and recycling materials must be approved in advance by the City and in accordance with land use regulations of Title 11.

(3) Yard waste must be prepared for collection in a manner required by the person's licensed hauler. No yard waste as defined in Chapter 8-202, and including brush and brush piles, bagged or piled leaves, bagged or piled grass clippings, or unstacked wood may be stored on the property except as allowed in Chapter 8-1600 (Composting). [Revised 11/6/13, Ordinance 2110]

(4) Yard waste, residential containers for mixed municipal solid waste and recycling materials that are prepared for collection must be placed in one location at ground level and off the traveled roadway (such as in the driveway, or in the boulevard behind the curb) no sooner than 4:00 p.m. the day prior to collection. Such containers must be returned to their outside storage location no later than midnight on the day of collection. Upon pick up licensed haulers will be required to place empty containers off the traveled roadway. [Revised 11/6/13, Ordinance 2110]

8-207 Collection Fees. The fees for mixed municipal solid waste, recycling, and yard waste collection will comply with all State regulations and be paid to the licensed hauler by the owner, agent, occupant, or tenant of the premises from which such materials are collected and such fee shall be full compensation for the hauler's services. If a tenant or occupant of the property fails to pay said expense, the owner will be liable to the licensed hauler. The licensed hauler may refuse to make collections from any premises when the hauler's fees are not paid.

8-208 License Required. No person may operate a service for the collection and hauling of mixed municipal solid waste, recycling materials, or yard waste in the City without first obtaining and maintaining a license from the City except that no separate license is required for any person collecting recycling materials or yard waste as a subcontractor to a licensed hauler.

8-209 Limitation on Number of Licenses.

(1) Purpose. It is the intent of the city to reduce the number of solid waste collection licenses issued. The limitation is deemed necessary to protect the health, safety and welfare of the city and its residents.

(2) Limitation exception. No more than 3 collection licenses for residential collection may be in force at any time, except that all companies licensed by the city for residential collection licenses as of September 1, 2024 and who have provided service under said residential license may be relicensed according to the following conditions:

(a) The licensee has conformed to all city, county, state and federal laws related to solid waste collection.

(b) There is no lapse in the license period.

(c) The licensee submits a fully completed annual renewal form, payment and all required documentation by the due date for renewals. Incomplete applications shall be returned to the licensee and must be resubmitted by the original due date. Failure to submit

a renewal, payment and all required documentation by the original due date will be cause for the city to deny the renewal of the license.

(d) Licenses are nontransferable, except when an existing licensee undergoes incorporation, sale or merger with another existing city licensed collector, so long as the ownership, control, and interest in the license remain with a pre-existing licensee.

(e) The type of service offered (i.e., commercial/industrial/multifamily or residential) has not increased from the previous license period.

~~[8-209]~~ 8-210 Application. Application for a hauler license must be made to the Director on forms designated from time to time by the City and will include, but not be limited to, the following information:

- (1) The name, business address, and telephone number of the applicant.
- (2) A list of the vehicles which the applicant proposes to use in the operation of the business in the City.
- (3) Evidence satisfactory to the City of a current license issued by Anoka County.
- (4) The method or methods of disposing of recyclable materials.
- (5) The method or methods of disposing of yard waste, if applicable.
- (6) The name, address, and telephone number of any person providing the collection and hauling of recyclable materials and/or yard waste if other than the applicant.
- (7) Copies of the Minnesota State Inspections Certificates for each of the vehicles used in the business, including the vehicles used by any subcontractor or, if not subject to State inspection, evidence of satisfactory inspections by the City's Department of Public Works.
- (8) Certificates of insurance which provide evidence of compliance with the requirements of Section ~~[8-240]~~ 8-211.
- (9) Evidence satisfactory to the City of the surety bond required in Section ~~[8-210(1)]~~ 8-211(1)

~~[8-240]~~ 8-211 Bond and Insurance.

(1) A licensed hauler must maintain at all times a surety bond in the penal sum of \$3,000 conditioned that the licensed hauler will faithfully and continuously provide the collection services specified in the application, or as later modified by the City Council, and under the conditions imposed by the ordinances and the lawful orders, rules and regulations of the City.

(2) In addition, a licensed hauler must maintain at all times the following insurance policies issued by insurance companies authorized to do business in the State of Minnesota:

(a) Commercial general liability (CGL), and if necessary commercial umbrella insurance, with a limit of not less than \$1,000,000 each occurrence. If such CGL insurance contains a general aggregate limit, the general aggregate limit shall be not less than \$2,000,000 and the aggregate limit shall apply on a per project basis. The CGL insurance shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury and contractually-assumed liability. Said policy shall provide that it may not be canceled by the insurer except on 10 days written notice to the City Clerk. If such insurance is canceled and the licensee fails to replace the same with another policy conforming to the provisions of this Chapter, said license shall be automatically suspended until such insurance is replaced.[Revised 5/17/05, Ordinance 1890]

(b) Automobile liability insurance, and if necessary, umbrella liability insurance, with a limit of not less than \$1,000,000 for each accident. If such insurance contains a general aggregate limit, the general aggregate limit shall not be less than \$2,000,000. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned auto.

(c) To the extent required by law, workers compensation coverage or evidence of qualification as self-insured of workers compensation.

(3) Failure to maintain the bond or any required insurance will be grounds for revocation of the license.

(4) The bond and any required insurance may be canceled only after 10 days written notice to the Director of intent to cancel.

(5) If recycling services are to be performed by a person or entity other than the licensed hauler, the licensed hauler will provide written evidence satisfactory to the City that the licensed hauler's bond and insurance will also apply to the recycling collector or shall supply a separate bond and insurance policy in the amount specified herein covering the recycling collector.

(6) A licensed hauler will defend and indemnify the City for all costs (including attorney's fees) relating to any claims brought or filed against the City or any of its officers, employees, or agents for property damage, bodily injury, or death to any persons, including third persons, arising out of or relating to the licensed haulers operations under the City license.

~~[8-211]~~ 8-212 License Fee. The annual fee for a hauler license will be established from time to time by ordinance of the City Council and must accompany the license application.[Revised 12/5/06, Ordinance 1938]

~~[8-212]~~ 8-213 Issuance of License. Licenses will be issued by the Director unless the investigation indicates that the applicant does not meet the standards for a license under this Chapter in which case the Director will forward the application to the City Council for appropriate action.

~~[8-213]~~ 8-214 Term of License. A hauler's license will be effective from January 1st through December 31st of each year. The fee for an initial license issued after September 1st in any year will be one half of the annual license fee for that partial year.

~~[8-214]~~ 8-215 Collection.

(1) Each licensed hauler, at a minimum, will offer its residential customers, including multi-unit residential uses with centralized collection, mixed municipal solid waste removal and recycling services in accordance with this Chapter and such rules and regulations as may be adopted from time to time by the City and kept on file in the office of the Director. Materials too large or numerous to be placed in the required containers may be placed in an orderly manner on the curb, provided that prior arrangements for the pickup have been made with the licensed hauler.

(2) Each licensed hauler must, at a minimum, offer its business customers mixed municipal solid waste removal, except for haulers who provide only recycling services for businesses.

(3) The methods of collection and the fees to be charged will be determined by each licensed hauler. At least once each license year the licensed hauler must notify each of its customers of the availability of the various services offered and the fees for each service.

(4) Each licensed hauler who provides trash, recycling, organics or yard waste services must provide the Director with tonnage reports on the amount of trash, recycling, organics and yard waste collected. The reports may be provided either monthly or quarterly. Monthly reports will be due by the 15th day of the next succeeding month. If reports are provided quarterly, the first quarter report due on or before April 15th, the second report on or before July 15th, the third report on or before October 15th, and the fourth report on or before January 15th in the next succeeding year. [Revised 4/18/17, Ordinance 2186]

(5) A licensed hauler may provide for the collection of yard waste. Any hauler providing such service must advise its customers at least annually of the requirements, schedules and fees established by the hauler for that collection. The hauler is responsible for the proper disposal of all yard waste it collects.

(6) All licensed haulers are responsible for the immediate clean up of any spills that may occur during the collection process.

(7) For multi-unit residential uses centralized collection, the City will adopt a policy and requirements that:

- (a) collection containers must be labeled to clearly differentiate between solid waste and recycling;

- (b) recycling container locations must be in close proximity to solid waste container locations;

- (c) residents must be provided educational materials related to solid waste and recycling; and

- (d) such policy will be kept on file in the office of the Director. Responsible parties at multi residential uses with centralized collection must provide recycling and solid waste collection in accordance with this Chapter and Section (7) (1). [Revised 6/4/2019, Ordinance 2222]

[8-215] 8-216 Collection Schedules.

(1) Except as otherwise provided herein, the collection of mixed municipal solid waste and other waste materials, must be made at least weekly from residential households. Recycling materials must be collected at least every other week. Yard waste may be collected on a schedule determined by the licensed hauler. The collection of recyclable materials and yard waste must be made on the same day of the week as the collection of mixed municipal waste. [Revised 3/1/05, Ordinance 1877]

(2) Except as otherwise provided herein, the collection of mixed municipal solid waste, recyclable materials, and other waste must occur:

- (a) From businesses: at minimum twice per week.

- (b) From multi-unit residential buildings with centralized collection: collection of recyclables shall ensure a minimum weekly service capacity of .05 cubic yards per dwelling per dwelling unit or an equivalent collection capacity in accordance with policies set forth in Chapter 8-214 and kept on file with the Director. Solid waste shall be collected as often as necessary to protect public health but at a minimum once per week. [Revised 6/4/2019, Ordinance 2223]

(3) Collection of any nature within residential areas, including multi-unit residential uses and businesses where the collection containers are located within 750 feet of a residential structure, must be restricted to between the hours of 6:30 a.m. and 8:30 p.m. Monday through Saturday. The City may waive these requirements upon the City's sole determination that an emergency exists.

[8-216] 8-217 Collection Vehicles. All vehicles used by a licensed hauler, any person operating as a subcontractor to a licensed hauler or any person who may not require a license under this Chapter must be so constructed and operated that the contents of the vehicle will not leak or spill therefrom. The vehicles must be kept clean and free from offensive odors and may not be allowed to stand on any public street or other public or semi-public place longer than reasonably necessary to make the collections. The vehicles must be so maintained that they do not leak oil or other fluids.

[8-217] 8-218 Policy Statement. Within 30 days after receiving a written request therefore from the City, a licensed hauler must provide the Director with a copy of the hauler's policy statement relating to all services provided and the fees charged.

[8-218] 8-219 Violations. The Director will notify a licensed hauler of any violations of federal, state, or local laws and ordinances committed by the hauler or any subcontractor of the hauler. The notice must be in writing, specifically describe the violation or violations, provide a reasonable time for compliance, advise a hauler of its appeal rights, and be served on the hauler personally or by registered or certified mail.

[8-219] 8-220 Appeals. A licensed hauler may appeal a notice of violation to the City Council by filing a request to appeal with the Director within 10 calendar days after the date of service of the notice. The appeal request must be in writing, specifically state the basis for the appeal, and be signed by the applicant. The Director will cause the appeal to be placed on the agenda at the next regular City Council meeting that is held at least 10 calendar days after receipt of the request. The City Council may affirm, reject, or amend the Director's notice.

[8-220] 8-221 Revocation or Non-renewal.

(1) The City Council may revoke or not renew any license issued pursuant to this Chapter for cause, including but not limited to, failure to comply with any violation notice or repeated violations of laws and ordinances. Revocation or non-renewal may also be based on other health, safety, and welfare concerns arising out of the performance of the licensee, its employees and agents, or its vehicles and equipment. The City's receipt of five or more formal complaints, filed against a licensee, within a 12-month period, which have been administratively reviewed and verified by city staff for accuracy, may also result in revocation, or non-renewal of a license.

(2) Before revocation or non-renewal, the licensed hauler will be provided with written notice, served personally or by registered or certified mail, specifically stating the nature of the charge or charges against the licensee and setting a hearing date before the City Council which date will not be less than 10 calendar days after service of the notice. The licensee may appear at

the hearing with or without counsel and may present such evidence and make such arguments as the Council deems appropriate. If Council determines to revoke the license, it must establish a reasonable effective date for the revocation taking into consideration the needs of the customers. The Council may also establish a time and such requirements under which a licensee whose license has been revoked or not renewed may apply for a new license.

[8-221] 8-222 Scavenging.

(1) The Director will maintain a list of approved items designated for recycling under the City's authorized recycling program.

(2) Ownership of recyclable materials set out for the purpose of participating in an authorized recycling program remains with the person who set out the materials until removed by the authorized collector. Until the recyclable materials are removed by the authorized collector, the person who set out the materials is responsible for their proper preparation, handling and storage. Ownership and responsibility for the proper handling of the recyclable materials rests in the authorized collector upon removal by that collector.

(3) It is unlawful for any person who is not authorized by the City to take or collect or scavenge recyclable materials intended for an authorized collection program within the City. The first violation of this Section will constitute a petty misdemeanor. Any second or subsequent violation will be a misdemeanor.

[8-222] 8-223 Oil Recycling Depositories. City depositories for the collection of oil or recycling are available for the benefit of private individuals only and may not be used by any commercial enterprise. A commercial enterprise, or any person operating on behalf of a commercial enterprise, that deposits oil in a City depository is guilty of a misdemeanor.

8-224 Administrative Penalty.

(1) For the listed violations, the City, in addition to any other sanctions authorized by the Chapter or state or federal statute, impose the following penalty:

(a) Failure or neglect to clean up solid waste spilled by licensed hauler within 6 hours

of oral or written notification - \$500.00 each occurrence.

(b) Failure or neglect to maintain vehicle in a manner that prevents nuisances such as leaky seals or hydraulics - \$500.00 each occurrence.

(c) Failure or neglect to abide by the City's regular collection hours - \$500.00 each occurrence.

(d) Use of unlicensed trucks, \$500 each occurrence.

(e) Failure to provide monthly or quarterly tonnage reports within the time limits prescribed in 8-215(4), \$300.00 each occurrence.

(f) Failure or neglect to provide notice to involved resident when garbage and refuse, recyclables, yard waste, or large/bulky items are refused for collection for cause or when pick up does not occur due to weather conditions - \$300.00 each occurrence.

(2) Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.

(3) Hearings.

(a) Upon issuance of a citation, a person accused of violating this Chapter may request in writing a hearing on the matter. Hearing requests must be made within ten business days of the issuance of the citation and delivered to the City Clerk or other designated City employee. Failure to properly request a hearing within ten business days of the citation will terminate the person's right to a hearing.

(b) The City Clerk or other designated City employee will set the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator at least ten days prior to the hearing.

(4) Hearing Officer. The City Manager shall from time to time designate a hearing officer. The hearing officer will be an impartial employee of the City or an impartial person retained by the City to conduct the hearing.

(5) Decision. If the hearing officer determines that a violation of this Chapter did occur, the decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under Section 8-224 of this Chapter, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

(6) Appeals. Appeals of any decision made by the hearing officer may be made to the City Council by filing a written request for an appeal with the hearing examiner within ten days after the hearing examiner's decision. The hearing examiner shall place the appeal on the next Council agenda that is held at least ten days following the receipt of the appeal request. Appeals from any decision of the City Council shall be filed in Anoka County District Court.

(7) Costs. If the citation is upheld by the hearing officer and/or the City Council, the City's actual expenses in holding the hearing up to a maximum of \$1,000.00 must be paid by the person requesting the hearing.

(8) Violations. Each violation, and every day in which a violation occurs or continues, shall constitute a separate violation.

[8-223] 8-224 Penalties. In addition to any other sanctions imposed by the City as authorized by this Chapter, any person who violates a provision of this Chapter is guilty of a misdemeanor unless otherwise stated. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense. [Revised 7/16/02, Ordinance 1776]

Introduced this 3rd day of September, 2024

Adopted this 17th day of September, 2024

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

4.

Meeting Date: 09/17/2024

Subject: Consider Change Order for Purchase of a Community Development & Business Licensing Software

From: Ashley Hansen, Finance Director

INTRODUCTION

The Council is asked to consider a change order to an existing agreement with BS&A to purchase additional modules for Community Development and Business Licensing.

DISCUSSION

Over the last year, City staff have reviewed alternative software solutions for the Community Development department and City Clerk's office to replace two existing systems. The City has utilized PIMS as the building permit software for the last 25 years through Local Government Information Systems (LOGIS) and CityWorks modules for Code Enforcement, Rental Licensing and Business Licensing. Both software systems have not kept pace with the ever-changing technology and do not integrate with other software, creating a lot of duplication of effort among departments. Further, LOGIS has announced that it will no longer offer support for the PIMS platform in the coming years.

To ensure the best value and fit for the City, staff reviewed proposals and participated in demonstrations with LOGIS and BS&A.

- LOGIS has partnered with Accella to provide a modern solution as an alternative to PIMS. The software offers improved technology at **roughly the same annual cost of \$84,000**.
- BS&A is the City's current software for Finance, Human Resources and Utility Billing and offers modules for Community Development and Business Licensing. Both modules provide improved functionality for both City staff and residents as well as full integration with the City's general ledger at a **lower annual cost of \$51,820**. The annual savings would allow for investment in a more robust plan review software and provide additional benefit for other departments (Engineering & Fire).

Staff has identified BS&A as the solution offering the best value and fit for the City.

The full cost of the software and implementation (including first year costs) is \$224,255, requiring three installment payments over the course of the project. The terms of the project would follow the existing agreement with BS&A. The current estimated time to completion is 14 months after approval. The first installment would be due upon execution of the change order and is included in the 2024 estimate. The remaining project costs would be due after go-live and project completion. Funding is included in the 2025 proposed budget.

RECOMMENDATION

Staff recommends the Council approve the purchase of Community Development and Business Licensing software and authorize the City Manager to execute the change order for the existing BS&A service agreement.

BUDGET IMPACT:

There is sufficient funding included in the 2024 budget and the first installment is included in the 2024 estimate assumptions. The remaining project costs are included in the 2025 proposed budget.

Attachments

BS&A Change Order

Change Request

BS&A Software, LLC | bsasoftware.com | 855 BSASOFT

Customer: **City of Coon Rapids, Anoka County MN**

Prepared By: Dan J. Burns, CPA, Account Executive

Change #	1 - REVISED	Date Submitted	4/24/2024
		Date Required	4/24/2024
Module/Area Affected	Cloud Community Development		

No.	Changed Deliverable	Reason or Description	Net Change in Cost
1	Add Cloud Community Development	<i>Module fees are charged annually and include unlimited support.</i>	\$26,810
2	Add Cloud Business License	<i>Module fees are charged annually and include unlimited support.</i>	\$13,205
3	Add BSAO-Community Development	<i>Permit Application Feature - Enables contractors and the public to submit permit applications online</i>	\$11,805
4	Add Data Conversion for Community Development Permits and Inspections from LOGIS (PIMS)	<i>Per database</i>	\$36,730
5	Add Data Conversion for Community Development Rental Licenses and Code Enforcement from CityWorks	<i>Per database</i>	\$18,365
6	Add Data Conversion for Business License from CityWorks	<i>Per database</i>	\$23,640
7	Add Custom Import	<i>Custom Import from third-party software to populate Community Development database with parcels, properties, and current owners</i>	\$1,500
8	Add Project Management and Implementation Planning		\$17,700
9	Add Implementation, Setup and Training	35 days @ \$1,200/day	\$42,000
10	Add Post-Go Live Assistance	4 days @ \$1,200/day	\$4,800
11	Add Travel Expenses		\$27,700
Total Net Changes			\$224,255.00

Payment Schedule

- 1st Payment: **\$96,435** to be invoiced upon execution of this agreement.
2nd Payment: **\$51,820** to be invoiced at activation of customer's site.
3rd Payment: **\$76,000** to be invoiced upon completion of training.

Change Request

BS&A Software, LLC | bsasoftware.com | 855 BSASOFT

Customer: **City of Coon Rapids, Anoka County MN**

Prepared By: Dan J. Burns, CPA, Account Executive

Change #	1 - REVISED	Date Submitted	4/24/2024
		Date Required	4/24/2024
Module/Area Affected	Cloud Community Development		

BS&A Software, LLC

By: _____
Name: _____
Title: _____
Date _____

Customer

By: _____
Name: _____
Title: _____
Date _____





City Council Regular

5.

Meeting Date: 09/17/2024

Subject: Consider Memorandum of Understanding with Anoka Hennepin District 11 for School Resource and Prevention Program Officer Services

Submitted For: Bill Steiner, Chief of Police

From: Cindy Hintze, Police Systems Administrator

INTRODUCTION

The Police Department requests approval of a Memorandum of Understanding with Anoka-Hennepin School District #11 for the 2024-2025 school year for School Resource and Prevention Program Officer Services. This agreement provides funding for assigning police officers as School Resource Officers at Coon Rapids High School, Coon Rapids Middle School, Northdale Middle School, River Trail Learning Center, and Compass Programs; and for officers teaching the Drug Abuse Resistance Education (D.A.R.E.) program in the elementary schools

DISCUSSION

The Police Department has operated the School Resource Program since 1974. Since 1989, the Police Department has instructed the nationally recognized D.A.R.E. program in the elementary schools in Coon Rapids.

RECOMMENDATION

Staff recommends the City Council approve the 2024-2025 Memorandum of Understanding for School Resource and Prevention Program Officer Services with Anoka-Hennepin School District #11.

Attachments

MOU with Anoka Hennepin for SRO Services

MEMORANDUM OF UNDERSTANDING
For School Resource and Prevention Program Officer Services
Between the Anoka-Hennepin School District No. 11
and the City of Coon Rapids
2024-2025

PURPOSE. The purpose of this Memorandum of Understanding is to address the need for the presence of licensed peace officers to provide specific services/roles to the Anoka Hennepin School district No. 11 (hereafter referred to as “District”) schools and establish a mutually beneficial framework that both schools and law enforcement can work within to achieve shared goals. The intent is to establish and delineate the mission of a School Resource Officer/Prevention Program, herein referred to as the School Resource Officer (SRO) Program, as a joint cooperative effort between the District and the City of Coon Rapids (hereafter referred to as “City”), representing the designated law enforcement agency. The partnership is intended to facilitate effective, timely communication and coordination of efforts for both the District and the law enforcement agencies to promote a safe and positive learning environment and decrease the number of youth formally referred to the juvenile justice system. Additionally, it clarifies roles and expectations and formalizes relationships between the participating entities to foster an efficient and cohesive program that will build a positive relationship between officers, school administrators/staff and students.

GOALS. The primary goals of the SRO Program are 1) to promote positive and supportive school climates and 2) to create and maintain safe and secure school environments. To promote positive and supportive school climates, the partnership will collaborate to increase law-related education, expand school safety and crime prevention efforts, reduce conflict, and support effective interventions for students. To create and maintain safe and secure school environments, the partnership will collaborate to reduce and prevent crime, violence, victimization, and fear in and around schools, and minimize student involvement with the juvenile and criminal justice systems. It is the responsibility of school administrators to facilitate effective communication to all school staff and students regarding SRO program goals and responsibilities.

ROLES. The SRO program is unique to the community, based on input from the district, school administration, teachers, students, and community members. The program is designed to fulfill three overall roles:

1. Law Enforcement
2. Fostering Positive School Climate / Crime Prevention
3. Law-Related Educator

Law Enforcement Role – SROs are responsible for law enforcement incidents occurring at the school. Parents, students, teachers, and other school personnel should bring complaints about student misbehavior to the school principal and/or designee, rather than the SRO. A determination of whether an activity raises to the level of a law enforcement activity, when reasonable, should be made in consultation with a school administrator. While law enforcement is the role of SROs, officers responding to an incident or consulting with school officials are encouraged to use their discretion in determining the best course of action, especially when using alternatives to arrest.

Fostering Positive School Climate / Crime Prevention – One of the primary roles SROs fulfill is fostering a positive school climate through relationship building and crime prevention. Officers will focus on getting to know students, serve as a role model, engage in various activities in consultation with school administration, teachers, and students, and should strive to build a school culture of open communication and trust between and among students and adults. Crime prevention activities include foot patrols, monitoring previous crime locations, speaking to teachers about reducing the opportunity for crimes to occur, analyzing possible crime patterns, investigating crimes, and general patrol efforts. SROs are critical members of the school Building Crisis Teams for emergency preparation and planning.

Law-Related Educator – SRO / Prevention Program Officers should participate in the school community by becoming a member of the educational team where appropriate, and by representing the law enforcement community to build positive relationships with youth, their families, and school staff. Whether talking to students in the hallway or delivering a presentation in the classroom, SROs are embedded in the education fabric within the school. SROs are expected to be proactive in creating and taking advantage of educational situations, and school administrators are encouraged to leverage this resource.

1. **OFFICER EMPLOYED BY CITY.** City shall employ (or assign), in accordance with applicable state statutes, a police officer(s) to serve as School Resource or Prevention Program Officer(s) in District schools. The selection or assignment of such officers shall be done by the City in consultation with the principals in the area or City covered by this contract. City shall assume all obligations and payments with regard to officers' salaries and benefits including worker's compensation, PERA, withholding taxes, etc. District will reimburse City as defined in paragraph 15 of this document. The SRO shall, at all times, remain employed by the Coon Rapids Police Department. This agreement explicitly disclaims any employee or agent relationship between the SRO and the City and/or District. This agreement does not create a contract of any type between the District and any individual officer, investigator, sworn peace officer, community service officer, or other officer in the Coon Rapids Police Department or any other law enforcement agency working with the Coon Rapids Police Department, nor does this Agreement create any employer-employee relationship, independent contractor relationship, or services agreement with any individual.
2. **TERM OF CONTRACT.** The initial term of this contract shall be from September 3, 2024, to June 6, 2025 unless terminated by either party as defined in paragraph 14.
3. **ADMINISTRATION RESPONSIBILITIES.** Law enforcement services rendered to District shall be at the sole direction of City. Standards of performance, discipline of the officer assigned, and other internal matters shall be under the authority of City. Upon request, the District shall provide the City with an appraisal of the services received. The City shall provide the District with a list of services provided at the elementary level, Prevention Program schedules, and the name of the officer(s) providing the service.

4. **LEVEL OF SERVICE.** The SRO will respond to emergency calls within the boundaries of City and attend police training and special duties as assigned by City while fulfilling the requirements of this contract. Time spent on emergency calls, police training, etc., shall not be considered time spent as a School Resource or Prevention Program officer.
5. **SCHOOL CALENDAR.** The District shall provide the City with a school calendar. SRO services will be provided during regular school hours in the school district on all student contact days. Each day the SRO works in excess of eight hours shall be paid according to the officer's contract, providing such additional time has been approved in advance by City and District. Blanket approvals will not be accepted.
6. **DUTIES OF OFFICER.** The basic duties of the SRO are to help provide a safe and secure learning environment, foster a positive school climate, reduce/prevent crime, serve as an educational resource, and serve as a liaison between the school and the law enforcement agency. Specific daily assignments to accomplish this will vary by school. The SRO, school principal, and District Coordinator will meet periodically to discuss plans and strategies to address specific issues or needs that may arise. Officers may respond to calls to all schools in the city of Coon Rapids, although may be based primarily at one school in the city.

Basic duties of the SRO will include but are not limited to:

1. To enforce criminal law, prevent damage to property, and protect students, staff, and public at large against criminal activity.
2. Foster mutually respectful relationships with students and staff to support a positive school climate.
3. Provide information concerning questions about law enforcement topics to students and staff.
4. Provide classroom instruction on a variety of topics including but not limited to, law enforcement practices, conflict resolution, personal and school safety strategies, crime trends, and crisis response.
5. Handle initial police reports of violent crimes committed on campus.
6. Take enforcement action on criminal matters when appropriate.
7. Coordinate investigative procedures between police and school administrators.
8. Prepare lesson plans as necessary for the instruction provided.
9. In conjunction with school administrators, building crisis teams, and the district Emergency Management Coordinator, SROs should be an active participant in planning emergency drills and assisting with the facility assessment process utilizing the District Threat and Hazard Identification Risk Assessment (THIRA) to help analyze the physical safety of school facilities.
10. Prevention Program Officers serving elementary schools will present an approved prevention program, which may be a part of the fifth grade health curriculum.
11. Collect data on SRO activities (arrests, citations, etc.)

7. **SRO ROLE IN SCHOOL POLICY VIOLATIONS.** School administrators and teachers are responsible for school discipline. Although SROs are expected to be familiar with the District code of student conduct, the rules of individual schools, and their application in day-to-day practice, SROs should not be involved with the enforcement solely of school rules, school policies, or disciplinary infractions that are not violations of law. SROs should not intervene unless the situation involves an individual engaged in unlawful conduct, may result in damage to property or to prevent bodily harm or death to the student or another.
8. **PRIVACY OF PUPIL RECORDS.** The SRO shall follow the District's Protection and Privacy of Pupil Records Policy and the requirements of the Family Educational Rights and Privacy Act and the Minnesota Government Data Practices Act. The SRO will not access, and the School District will not provide private data on a student unless disclosure is allowed under MSS 13.32 Subd. 3. The District and SRO may share records and information, as allowed by law, in the performance of the duties described in Section 6 of this Agreement. The SRO and City certify and agree that all data created, collected, received, stored, used, maintained, or disseminated by the SRO must comply with the Family Educational Rights and Privacy Act and the Minnesota Government Data Practices Act.
9. **CLOTHING, EQUIPMENT, AND SUPPLIES.** City shall provide any required clothing, uniforms, vehicle, necessary equipment and supplies for officer to perform law enforcement duties. District shall provide SRO with a private, lockable office, telephone, and supplies necessary for the officer to perform required duties as specified in paragraph 6 of this contract.
10. **TRAINING.** The SRO shall receive such training as is necessary to permit the SRO to effectively advance the school's educational mission in the context of his/her duties as SRO and ensure a smooth transition into the educational setting. Prior to appointment to an SRO position the SRO will complete either the Minnesota Homeland Security & Emergency Management; School Safety Center standardized Basic SRO Training, or the NASRO Basic SRO course. Both courses are designed to prepare officers to work in an educational environment and maximize effectiveness in the delivery of law enforcement services in schools. If courses are not available prior to appointment, training should be completed within 6 months of appointment. The SRO shall also receive any training as required by law for SROs, including trainings required by Minnesota Statute and the POST Board.
11. **DISTRICT SRO MEETINGS.** Upon appointment, the district will provide new SROs with District Orientation to deliver training related to district policies and procedures, technology access, security cameras, keys/fobs, and district crisis management planning. The District will also provide annual orientation training in the fall, prior to school beginning and bi-monthly meetings to discuss school specific issues and SRO concerns and/or recommendations.
12. **SCHOOL RESOURCE OFFICER DISTRICT COORDINATION.** The district Manager of Security and Emergency Operations will be the primary contact for SROs at the district.
13. **SCHOOL BASED LAW ENFORCEMENT DATA COLLECTION.** Upon written request from the District, the Coon Rapids Police Department shall provide the District with an SRO activity report during the specified period of time not to exceed one school year. The report should include descriptions of the following activities engaged in by the SRO: classroom presentations, scheduled meetings (with staff, parents, committees), calls for service, arrests, and citations.
14. **TERMINATION.** Either party may terminate this agreement upon 30 days written notice of such termination. All payment due hereunder shall be prorated in the event of such termination.

15. DURATION AND COST. For and in consideration of the provision of SRO and the Prevention Program Officer services in accordance with the terms of this MOU, District shall pay City the sum of \$324,238.72. Request for payment should be submitted by July 1, 2025, which the District shall pay within 30 days of receipt of said request.

16. INDEMNIFICATION. City agrees to defend, indemnify, and hold harmless the District, its agents, officials, employees, and representatives free from any and all claims, causes of action, lawsuits, damages, losses or expenses, including attorney fees, arising out of or resulting from the duties of the SRO pursuant to the terms of this Agreement except in the event such claims, causes of action, lawsuits, damages, losses or expenses are related to the negligent or willful actions of the District or its agents, officials, employees, invitees or representatives. Nothing herein shall be deemed a waiver by either party of the limitations on liability set forth in Minnesota Statutes, Chapter 466.

The District agrees to defend, indemnify, and hold harmless the City, its agents, officials, employees, and representatives free from any and all claims, causes of action, lawsuits, damages, losses or expenses, including attorney fees, arising out of or resulting from the duties of the District pursuant to the terms of this Agreement except in the event such claims, causes of action, lawsuits, damages, losses or expenses are related to the negligent or willful actions of the City or its agents, officials, employees, invitees or representatives. Nothing herein shall be deemed a waiver by either party of the limitations on liability set forth in Minnesota Statutes, Chapter 466.

17. SERVICE TO SCHOOLS. The following secondary school(s) shall receive SRO services as a result of this contract:

Coon Rapids High School
Coon Rapids Middle School
Northdale Middle School
River Trail Learning Center

Compass Programs

The following elementary school(s) shall receive Prevention Program services as a result of this contract:

Adams	Hoover	Sand Creek	Morris Bye
Eisenhower	Mississippi	Hamilton	

18. SCOPE. It is agreed that the entire agreement of the parties is contained herein, and that this agreement supersedes all oral and written agreements and negotiations between the parties relating to the subject matter hereof.

19. EXECUTION IN COUNTERPARTS. This Agreement, and any supplement, amendment, or modification, may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed to be an original and all of which executed counterparts taken together shall constitute one and the same Agreement as if an original, fully executed Agreement. Delivery of an executed counterpart by facsimile or email or PDF file containing an electronic signature shall be equally as effective as delivery of an original signed counterpart of this Agreement.

IN WITNESS WHEREOF, the parties have hereunder to set their hands.

City of Coon Rapids

Signed By _____

Title: _____

Date: _____

City of Coon Rapids

Signed By _____

Title: _____

Date: _____

City of Coon Rapids

Signed By _____

Title: _____

Date: _____

Anoka-Hennepin School District No. 11

Signed By _____

Title: _____

Date: _____

ADMINISTRATION INFORMATION FORM

CONTACTS AT THE SCHOOL DISTRICT

Contracted Administration

Greg Cole
Chief Operations Officer
Educational Service Center
2727 N Ferry Street
Anoka, MN 55303
763-506-1175

Program Administration

John Pena, Principal	Coon Rapids High School	763-506-7101
DeMann Seals, Principal	Coon Rapids Middle School	763-506-4801
Jeff Leach, Principal	Northdale Middle School	763-506-5401
Anne Wegscheider, Sp. Ed. Sup.	River Trail Learning Center	763-506-1901
Ann Herlofsky, Principal	Adams Elementary	763-506-1601
Lillian DeRung, Principal	Eisenhower Elementary	763-506-2301
Julie Bowman, Principal	Hamilton Elementary	763-506-2701
Minh Strusz, Principal	Hoover Elementary	763-506-2801
Rachel Grillo, Principal	Mississippi Elementary	763-506-3501
Janel Wahlin, Principal	Morris Bye Elementary	763-506-3701
Melanie Wohlers, Principal	Sand Creek Elementary	763-506-4301
Stephanie Diaz-Celon, Principal	Compass Programs	763-506-3201

Payment Procedures

Pursuant to paragraph 15 of the agreement, the City should submit a bill to:

Educational Service Center
ATTN: Greg Cole, Chief Operations Officer
2727 N Ferry St
Anoka, MN 55303

greg.cole@ahschools.us



City Council Regular

6.

Meeting Date: 09/17/2024

Subject: Consider Adoption of an Electronic Funds Transfer (EFT) Policy & Adoption of Resolution 24-90 Designating Electronic Funds Transfer Authority

From: Ashley Hansen, Finance Director

INTRODUCTION

Council is asked to establish a policy and designate authority for electronic funds transfers (EFT).

DISCUSSION

In the City's most recent audit (2023), the City's auditors, CliftonLarsonAllen, noted the City's statutory non-compliance for lack of an adopted Electronic Funds Transfer (EFT) Policy. Per Minnesota Statute 471.38, local government units are allowed to make payments via EFT and the governing board (the City Council) shall annually delegate the authority to make EFT's to a designated administrator or chief financial officer. In the City's case, the Council would annually designate the authority to the Finance Director.

In addition, Minnesota Statute 471.38 requires a list of all transactions made by electronic transfer shall be submitted to the governing body at its next regular council meeting after the transaction. A consent agenda item will be added to each council meeting with a schedule of electronic payments made beginning with the October 1st meeting.

RECOMMENDATION

1. Adopt the Electronic Funds Transfer (EFT) Policy.
2. Adopt Resolution 24-90, designating authority to make electronic fund transfers to the Finance Director.

Attachments

Electronic Funds Transfer Policy
Resolution 24-90

City of Coon Rapids, Minnesota
Electronic Funds Transfer Policy

Adopted: September 17th, 2024

1. Purpose

To state the policy and procedures to be followed for processing an electronic funds transfer (EFT) in accordance with Minnesota Statute 471.38.

2. Policy

The City will process electronic funds transfers following the same purchasing procedures as stipulated in the City's purchasing policy and in accordance with Minnesota Statute 471.38.

- 2.1** The City Council delegates authority to the City's Finance Director to make electronic funds transfers.
- 2.2** The disbursing bank will receive a copy of the annual delegation of authority.
- 2.3** All electronic transfer transactions shall be included in Council packets provided to the City Council via the Consent Agenda.

3. Procedures

- 3.1** Comply with the City's purchasing policy.
- 3.2** EFT payments shall be processed through the accounts payable procedures.
- 3.3** The documentation of each EFT will include the initiator, evidence of approval by an authorized party, electronic or written confirmation of each transaction within one business day.

RESOLUTION NO. 24-90

RESOLUTION DESIGNATING ELECTRONIC FUNDS TRANSFER AUTHORITY

WHEREAS, Minnesota State Statutes 471.38 provides legal requirements for the payment of claims or demands against a local government for any property or services; and

WHEREAS, electronic fund transfers are an allowed method of payment; and

WHEREAS, a local government may make electronic fund transfers for claims for payroll, anticipation certificates, contributions to pension or retirement funds, vendor payments, and for payment of bond principal, interest, and fiscal agent fees; and

WHEREAS, eligibility to make electronic fund transfers requires an annual delegation of authority by the City Council to the Finance Director; and

WHEREAS, the city Finance Director is charged with making payments on claims for goods and services; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Coon Rapids, Minnesota hereby designates the Finance Director, with the authority to make electronic fund transfers for payment of claims, including, but not limited to, payroll, anticipation certificates, contributions to pension or retirement funds, vendor payments, and for payment of bond principal, interest, and fiscal agent fees.

Adopted by the Coon Rapids City Council this 17th day of September, 2024.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

7.

Meeting Date: 09/17/2024

Subject: Consider Resolution 24-88 Waiving Municipal Consent for State Project 0215-87 (CP 19-26)

Submitted For: Tim Himmer, Public Works Director

From: Sarah Greene, Administrative Support Lead - PW

INTRODUCTION

MnDOT is currently finalizing plans to construct improvements on Highway 10 (TH 10) in 2025. State rules require municipal consent from the city where the improvements are located. Staff requests the City Council consider waiving the municipal consent approval action.

DISCUSSION

The City has been actively involved in a multi-jurisdictional coalition that has advocated for various improvements along TH 10 for many years. Various open houses, work sessions, and a public hearing were conducted on the proposed improvements over the past few years, with City, County, and State participation. The proposed TH 10 Congestion Mitigation Project includes adding a lane and widening the inside shoulder along both eastbound and westbound directions of US Highway 10 and Minnesota Trunk Highway 47 (US 10) from Round Lake Boulevard to Hanson Boulevard. Noise walls are proposed at various locations within the construction limits. Further information can be found on the project website: <https://www.anokacountymn.gov/4376/TH10-Add-a-Lane>.

Funding for the project is secured, and final plans are nearing completion, with project letting anticipated to occur by year's end. City staff has been involved in all aspects of the project since inception, and has kept the City Council updated as the project advanced to this stage. In the most recent work session in August, it was discussed that the project has minimal impact within the limits of the City and will greatly benefit the flow of traffic, comprehensive plan, and safety of the public.

Prior to initiating improvements, the City is required to provide or waive municipal consent. The attached provides general information about the process. Staff recommends the City Council waive municipal consent for the project.

RECOMMENDATION

Staff recommends Council adopt Resolution No. 24-88 waiving municipal consent for State Project 0215-87 (CP 19-26), adding a third lane in each direction on TH 10 between Round Lake Boulevard and Creek Meadow Drive.

BUDGET IMPACT:

The City's cost participation in the proposed project is estimated at approximately \$325,000, primarily for revisions to the City's existing utilities located within the MnDOT right-of-way. Additionally, the City will be leading a separate project to relocate a segment of watermain near TH 10 and Main Street in advance of the State project. Funding for all improvements is included in the City's proposed 2025 budget.

Attachments

Municipal Consent Document

Municipal Consent

Contact

Ryan Gaulke, ryan.gaulke@state.mn.us
Office of Chief Counsel
395 John Ireland Boulevard, MS 130
St. Paul, MN 55155
651.366.3057

Municipal Consent Risk Management

Submittal Letter and Attachments

- [Submittal Letter/Template](#)
- [MN Statutes 161.162 – 161.167](#)
- [Example: Cost Estimate / City Costs](#)
- [Example: City Resolution for Municipal Consent](#)
- [Example: City Resolution Waiving Municipal Consent](#)

Legal Basis

The Minnesota municipal consent statutes were revised in the 2001 legislative session.

State Municipal Consent Statutes

Definitions	MN Statute 161.162
Highway Project Review	MN Statute 161.163
Final Layout Approval Process	MN Statute 161.164
Commissioner Action; Interstate Highways	MN Statute 161.165
Commissioner Action; Other Highways	MN Statute 161.166
Reimbursement of Expenses (for Appeal Board Members)	MN Statute 161.167

Threshold Criteria

Municipal consent should only be requested from a city if it is required.

When Required

Municipal approval is required for any trunk highway project that results in any of the following within a municipality:

- Alters access,
- Increases or reduces traffic capacity, or
- Requires acquisition of permanent right of way.

Increasing or reducing **traffic capacity** means increasing or reducing the number of through lanes. For example, adding an auxiliary lane is not a change in capacity.

Acquisition of **permanent right of way** includes acquisition of **permanent easements** (e.g., drainage easements).

Exceptions

Municipal consent is not required for maintenance activities or for the following:

- HOV Lanes / Dynamic shoulders ([MN Statute 160.93, Subd. 3](#))
- Traffic safety measures ([MN Statute 161.163, Subd. 2](#))

HOV Lanes / Dynamic Shoulder Lanes ([MN Statute 160.93, Subd. 3](#))

Municipal consent is not required (regardless of impacts to access, capacity, or right of way) for the construction and/or designation of lanes on trunk highways for use as either:

- High-Occupancy Vehicle Lanes (e.g., MnPASS), or
- Dynamic Shoulder Lanes,

Traffic safety measures ([MN Statute 161.163, Subd. 2](#))

Municipal consent is not required (regardless of impacts to access, capacity, or right of way) for projects needed for any of the following:

- Regulate traffic, or
- Install traffic control devices, or
- Other safety measures

The term “other safety measures” refers to traffic safety measures. The addition of a turn lane, for example, is a traffic safety measure; the replacement of a structurally-deficient or fracture-critical bridge is not.

Below are examples of traffic safety exceptions:

Safety Improvements for Pedestrian/ADA Facilities

Municipal consent is not required for projects in which the only trigger for municipal consent is the acquisition of minor amounts of right of way needed for safety improvements required to comply with ADA and to further MnDOT’s goal of providing safe, accessible pedestrian facilities.

The Americans with Disabilities Act (ADA) is a federal act that requires MnDOT to provide accessible pedestrian facilities. MnDOT projects often include improvements to comply with ADA and to help reach MnDOT’s goal of providing safe and accessible pedestrian facilities.

NOTE: The Minnesota statutory definition of “pedestrian” includes any person in a wheelchair. (See [Minnesota Statute 169.011](#), Subd.53 and Subd. 93).

Acquisition of permanent right of way is one of the statutory triggers for obtaining municipal consent, and minor amounts of right of way are sometimes needed for safe and accessible pedestrian facilities. However, [Minnesota Statute 161.163, Subd. 2](#) includes a traffic safety exception to the municipal consent requirement. Improvements needed to provide safe, accessible pedestrian facilities are traffic safety measures, and thus are safety exceptions to municipal consent. These safety improvements include curb ramps, accessible sidewalks and ramps, pedestrian refuge areas, areas for safe pedestrian movement, and pedestrian-operated warning devices.

Roundabouts

Roundabouts are used for traffic regulation and as a safety measure, and thus are **exceptions** that do not require municipal consent even if they require acquisition of permanent right of way.

Roles and Procedures

Municipal consent should only be requested from a city if it is required. (See Threshold Criteria above).

Sometimes a city may choose to waive municipal consent on a specific project. In that case the city council must pass a resolution clearly identifying the project and waiving its right to municipal consent for that project. However, the typical municipal consent process is as outlined below.

Procedure (for obtaining municipal consent)

1. Mn/DOT (District) submits to the city the final layout with a letter requesting city approval. The letter includes a good faith cost estimate of the city's share of the project's cost and the following (either in the letter or in an attached report):
 - project purpose
 - route location
 - short description of the proposed design of the highway
 - any additional supporting data
2. City schedules and holds public hearing (within 60 days of submittal).
City must schedule within 15 days of receiving Mn/DOT's request for approval and must give 30 days public notice.
3. City passes resolution approving / disapproving (within 90 days of public hearing).
After 90 from the date of the public hearing, if the city has not passed a resolution disapproving the layout, the layout is deemed approved.
4. If city disapproves, Mn/DOT decides whether to:
 - a. Meet city's condition(s), assuming city approved with conditions:
Mn/DOT writes city a letter indicating this and attaches revised layout with change(s). This ends the MC process.
 - b. Go to the appeal process.
 - c. Stop the project (do not build the project, or scale project down so that municipal consent is no longer required).

5. If in the final plan Mn/DOT alters access, capacity or R/W, Mn/DOT must re-submit changed portion of plan for city's approval. (The city is not required to hold another public hearing and has 60 days to approve or disapprove).

City Approval

The city can approve either by a formal approval resolution (see generic resolution in Appendix), or by not passing a resolution disapproving the layout within 90 days of the public hearing.

The city's review – with regards to layout approval – is limited to the project elements in the final layout that are within the boundaries of that city. A city cannot impose a condition on its approval that is outside of the city's boundaries.

The process allows the city one opportunity to exercise approval or disapproval of the final layout (unless Mn/DOT alters the plan with regards to access, capacity, or right-of-way). Once a city approves the layout, it cannot rescind its approval later. If a city disapproves with conditions, and if Mn/DOT agrees to meet those conditions – and notifies the city in writing (including copy of revised layout) – then municipal consent has been obtained.

The municipal consent statute applies to changes on “any route on the trunk highway system lying within any municipality.” If a T.H. borders a city and no section of the T.H. is completely within the city limits, municipal consent is still required for any of the designated changes (access, capacity, or right of way) that do occur within that city. However, if the changes triggering the municipal consent process are on the other side of the T.H. – and thus outside the city's limits – then municipal consent is not required from that city and is not requested from that city.

City Disapproval

If a city disapproves the final layout, Mn/DOT can stop the project (or scale it back so that municipal consent is no longer required), or Mn/DOT can take the project to the appeal process.

If the city disapproves – but includes condition(s) for approval, Mn/DOT has the above options plus the option of meeting the city's condition(s), and thus obtaining the city's approval. To do this, Mn/DOT sends the city a letter to that effect with the layout attached (revised to show the change(s)). This completes the municipal consent process; Mn/DOT then has the city's approval. (Sending the letter and revised layout is NOT a resubmittal for further consideration by the city).

Appeal Process

The appeal process is the same for interstate and non-interstate projects. However, the Mn/DOT Commissioner is not bound by the recommendations of the appeal board with respect to interstate highways.

If Mn/DOT decides to go to the appeal process, the first step is to establish an Appeal Board of three members: one member appointed by the Commissioner, one member appointed by the City Council, and a third member agreed upon by both the Commissioner and the City Council. (If a third member cannot be agreed upon, the Commissioner refers the selection to the chief justice of the Supreme Court, who then has 14 days to appoint the third member).

After the appeal board is established, the Commissioner refers the final layout to the Appeal Board. The Appeal Board then has 30 days to hold a hearing at which the Commissioner and the City Council may present their cases for or against approval of the layout. Within 60 days after the hearing, the Appeal Board must make its recommendation regarding the final layout. The recommendation can be for:

- approval, or
- approval with modifications, or
- disapproval.

The board can also make additional recommendations consistent with state and federal requirements as it deems appropriate. The board must submit a written report with its findings and recommendations to the Commissioner and the City Council.

Mn/DOT Public Involvement

Glossary

Municipality: A statutory or home rule charter city.

Municipal Consent: A municipality's approval of Mn/DOT's final layout for a project on a Trunk Highway when such approval is required by State Statute – see *Threshold Criteria* above.
(Approval is by a resolution passed by the elected council of the municipality – the City Council).

Appendix

Municipal Consent Process & Timeline

Sample City Resolution

Municipal Consent Process & Timeline

Mn/DOT / HPDP

Basic Process

1. Mn/DOT submits the final layout to the City with a letter requesting City approval of the layout.
2. The City holds public hearing within 60 days of Mn/DOT's submittal and gives a 30-day (minimum) public notice of the hearing.
Mn/DOT presents the layout at the public hearing **60 days**
3. The City Council passes a resolution approving / disapproving the layout (within 90 days of public hearing).
If after 90 days from the public hearing the City has not passed a resolution disapproving the layout, the layout is deemed approved **90 days**
4. If the City approves, Mn/DOT can proceed with the project.
5. If the City disapproves, Mn/DOT's options are:
 - o Make the changes requested by the City (if any)
 - o Refer the layout to an Appeal Board
 - o Stop the project
 - o Modify the project so municipal consent is not required
 - o Prepare a new final layout and start the MC process over from beginning

Before Appeal: Total Maximum time = 150 days

Appeal Process

1. Mn/DOT notifies the City that it is appealing.
2. An Appeal Board of three persons is established:
 - o Mn/DOT appoints a member **Undefined time to establish appeal board**
 - o The City appoints a member
 - o Third member selected by mutual agreement between the City & Mn/DOT.
If they cannot agree, Mn/DOT requests the MN Chief Justice to select.
The Chief Justice appoints third member within 14 days of Mn/DOT's request. **14 days**
3. Mn/DOT refers the final layout to the Appeal Board. **Undefined time**
4. The Appeal Board holds a hearing (within 30 days of receiving final layout from Mn/DOT).
The City and Mn/DOT each present their case **30 days**
5. The Appeal Board makes its recommendation (within 60 days of the hearing):
 - o Approval, or
 - o Approval with modifications, or
 - o Disapproval of the final layout**60 days**
6. If the Board approves, Mn/DOT can proceed with the project.
7. If the Board disapproves, or approves with modifications, Mn/DOT's options are:
 - o Make recommended modifications (if any), and proceed with the project
 - o Stop the project
 - o Modify the project so municipal consent is not required
 - o Prepare a new final layout and start the MC process over from beginning
 - o If it is an Interstate Highway project, Mn/DOT may proceed with the project using the layout that was not approved (and sends a report to the City and the Appeal Board stating the reasons for doing so).

**Maximum for Appeal Process = 104 days +
(plus time to establish appeal board, etc.)**

TOTAL Possible Time = 254 days +

NOTE: If final construction plans contain changes to access, capacity, or right of way from the layout approved by the City, Mn/DOT resubmits the changed portion of the plans to the City for approval. (City has 60 days to approve). This holds whether municipal consent was obtained through the basic MC process or through the appeal process.

Sample City Resolution

RESOLUTION NO. _____

Resolution for Layout Approval

At a Meeting of the City Council of the City of _____, held on the ____ day
of _____, 20____, the following Resolution was offered by _____ and seconded by
_____ to wit:

WHEREAS, the Commissioner of Transportation has prepared a final layout for State Project XXXX.XX
on Trunk Highway XX, from _____ to _____ within the City of _____ for
_____ improvements; and seeks the approval thereof, as described in Minnesota
Statutes 161.162 to 161.167: and

WHEREAS, said final layout is on file in the District X Minnesota Department of Transportation office,
CITY, Minnesota, being marked as Layout No. XXXX, S.P. XXXX-XX, from R.P. XX+xxx to XX+xxx.

NOW, THEREFORE, BE IT RESOLVED that said final layout for the improvement of said Trunk Highway
within the corporate limits be and is hereby approved.

Upon the call of the roll the following Council Members voted in favor of the Resolution:

The following Council Members voted against its adoption:

ATTEST:

Mayor _____

Dated _____, 20____

State of Minnesota

County of _____

City of _____

I do hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to
and adopted by the Council of the City of _____, Minnesota at a duly
authorized meeting thereof held on the _____ day of _____, 20____, as shown by the
minutes of said meeting in my possession.

(SEAL) _____

City Clerk

RESOLUTION NO. 24-88

RESOLUTION FOR WAIVER OF MUNICIPAL CONSENT

WHEREAS, the Commissioner of Transportation has prepared a final layout for State Project 0215-87 on Trunk Highway 10 from Round Lake Boulevard to Hanson Boulevard within the City of Coon Rapids for highway capacity improvements; and seeks the approval thereof, as described in Minnesota Statutes 161.162 to 161.167; and

WHEREAS, said final layout is on file in the Metro District Minnesota Department of Transportation office, Roseville, Minnesota, being marked as Layout No. 2C S.P. 0215-87, from R.P. 226+00.523 to 229+00.667; and

NOW, THEREFORE, BE IT RESOLVED that the City Council waives the municipal consent approval action, described in Minnesota Statutes 161.162 to 161.167, of the final layout for SP 0215-87 for the improvement of said Trunk Highway 10 within the corporate limits.

Adopted by the Coon Rapids City Council this 17th day of September, 2024.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

8.

Meeting Date: 09/17/2024

Subject: Consider Resolution 24-89 Amending the 2024 Budget and Authorizing an Interfund Loan for Boulevard Tree Removal

From: Matt Stemwedel, City Manager

INTRODUCTION

Staff are recommending an amendment to the 2024 budget and approval of an interfund loan to assist with an accelerated boulevard tree removal plan due to the rapid decline of ash trees being impacted by the Emerald Ash Borer (EAB).

DISCUSSION

The decline of ash trees in the City has been rapid over the last couple of years. The City has been working to remove diseased and dead ash trees for several years, but budgeted funds have become inadequate to keep pace with the volume of trees that should be removed. Tree removals were paused recently due to a lack of funds and, meanwhile, the backlog of trees requiring removal continues to increase.

There are approximately 2,900 ash trees remaining in City boulevards that need to be removed by the end of 2027. In order to accomplish this, the City Forrester estimates that the City will need an additional \$200,000 for the remainder of 2024 and about \$800,000 annually from 2025-2027. Most of the expenses are related to tree removal; however, these estimates also include some costs for treating healthy ash trees and tree replacement.

The proposed 2025 budget includes \$480,000 that can be used toward the EAB program next year, leaving a gap of \$320,000 in addition to the \$200,000 needed for 2024. Staff are proposing Council authorize an interfund loan of \$520,000 from the Revolving Construction Fund to supplement the EAB program for the remainder of 2024 through 2025. Staff will then address the need for additional funding to complete the ash tree removal and replanting program in future budgets.

RECOMMENDATION

Staff recommends that the City Council approve Resolution 24-89 amending the 2024 Budget and authorizing an interfund loan for boulevard tree removal.

Attachments

Resolution 24-89

RESOLUTION NO. 24-89

**RESOLUTION AMENDING THE 2024 BUDGET & AUTHORIZING AN INTERFUND
LOAN FOR BOULEVARD TREE REMOVAL**

WHEREAS, Section 1-700 of the City Charter provides for adoption of an annual budget and the subsequent amendments; and

WHEREAS, the City established an Emerald Ash Borer (EAB) Management plan for treatment, removal and replacement of infested trees; and

WHEREAS, the City has determined there is a need to accelerate the removal of emerald ash borer infested trees at an estimated cost of \$800,000 per year through 2027; and

WHEREAS, the 2024 budget does not include enough funds to finance the aforementioned programs; and

WHEREAS, an amount of \$200,000 is required to supplement the City's 2024 emerald ash borer management program; and

WHEREAS, an anticipated amount of \$320,000 is needed to supplement the emerald ash borer management plan beyond what is proposed in the 2025 budget; and

WHEREAS, the option to borrow money from the Revolving Construction Fund instead of acquiring a bond or increasing the tax levy is determined to be the best funding option; and

WHEREAS, the Revolving Construction Fund is sufficiently funded for the term of the loan; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota to amend the 2024 Boulevard Tree Maintenance Fund budget, appropriating \$200,000 for Boulevard Tree Removal and authorize an interfund loan for a not to exceed amount of up to \$520,000 from the Revolving Construction Fund with a loan term of seven years at zero percent interest.

Adopted by the Coon Rapids City Council this 17th day of September, 2024.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk



City Council Regular

9.

Meeting Date: 09/17/2024

Subject: Consider Introduction of an Ordinance to Amend City Code Section 5-1500 Prohibited Practices for Solicitors

From: Joan Lenzmeier, City Clerk

INTRODUCTION

Council is asked to introduce an Ordinance Amending City Code Chapter 5-1500 as it relates to prohibited practices for solicitors, transient merchants, peddlers, etc.

DISCUSSION

As part of the discussions that occurred related to updates to our waste hauler licensing regulations, it was brought to staff's attention that there have been some concerns as it relates to the door-to-door practices of some of our licensed waste haulers. After internal discussions, staff has proposed the attached amendment to the solicitor, transient merchant, peddler code that may help with the concerns raised.

RECOMMENDATION

Introduce Ordinance Amending City Code Section 5-1500 as it relates to prohibited practices for solicitors, transient merchants, peddlers, etc.

Attachments

Proposed Ordinance

ORDINANCE NO.

AN ORDINANCE REVISING TRANSIENT AND ITINERANT MERCHANTS AND VENDORS, PEDDLERS, SOLICITORS, CANVASSERS, AND MOBILE FOOD UNITS AND THEREBY AMENDING REVISED CITY CODE - 1982, SECTION 5-1519

The City of Coon Rapids does ordain:

Section 1. Revised City Code – 1982 Section 5-1519 is hereby amended as follows:

(deletions in brackets, additions double underlined).

5-1519 Prohibited Practices. No person under this Chapter shall:

(1) Call attention to the business or to the merchandise by any loud, unusual noise including but not limited to, shouting, amplification system, blowing a horn or ringing a bell.

(2) Solicit, peddle or canvass after the hour of 8:00 p.m. or before 9:00 a.m. unless a previous appointment has been made.

(3) Operate a business defined as a transient merchant in Section 5-1513(a) after the hour of 9:00 p.m. or before 9:00 a.m. except for mobile food units which are allowed to operate until 10:00 p.m.

(4) Enter or conduct business upon premises where a sign or plaque is conspicuously posted, stating in effect that no peddlers or solicitors are allowed. Such sign shall have letters at least one-half (1/2) inch high.

(5) Occupy for the purpose of advertising and/or conducting business any area within a sight triangle, as defined by City Code Section 11-1825.

(6) Occupy any fixed location within any public right-of-way or other public property for the purpose of advertising and/or conducting business.

(7) Create a public nuisance as that term is defined by state or local law.

(8) Sell merchandise or services by means of statements which the person making them knows or should know are false or misleading.

Introduced this _____ day of _____, 2024.

Adopted this _____ day of _____, 2024.

ATTEST:

Jerry Koch, Mayor

Joan Lenzmeier, City Clerk