

CC Regular Session**Meeting Date:** 11/28/2023**Primary Strategic Plan Initiative:** Not Applicable**Information****Title:**

Consider Request to Construct Private Ice Rink on Krypton Street NW, North of 157th Avenue NW

Purpose/Background:**Purpose:**

The purpose of this case is to consider a request to construct a private ice-skating rink on Krypton Street NW, North of 157th Avenue NW, which is a paved public stub street with no outlet.

Background:

The property owner at 5649 157th Avenue NW, Mr. Eric Mjolhus, is requesting to build an ice rink with side boards and lighting on the paved stub street segment of Krypton Street, north of 157th Avenue NW, which abuts the west edge of Mr. Mjolhus' property.

This public stub street has concrete curb and gutter and sidewalk along the east side and municipal utilities exist under this street segment. This stub street is intended to connect with 157th Lane NW to the north in the future when two adjacent properties subdivide (one of these properties is where the pending plat of Gile Addition is located). There are no driveways off of this portion of Krypton Street.

Attached is a case with attachments that was reviewed and approved by City Council on January 10, 2023. This case outlines all relevant background details associated with this case and includes site location figures, pictures of the ice rink in place last winter, a copy of the extended liability coverage for use of City right-of-way, and a copy of the license agreement approved last winter.

Notification:

Notifications are not required for this case.

Time Frame/Observations/Alternatives:**Observations:**

The property owner at 5649 157th Avenue NW, Mr. Eric Mjolhus, plans to attend the meeting in case Council has any questions for him.

The property owner circulated a petition within his neighborhood last winter.

Staff did not receive any complaints regarding the use of this rink last winter.

The property owner informed staff that they will cease use of the rink by 8 PM, that they are willing to enter into another license agreement, and that they will continue to provide liability insurance for their use of City right-of-way, if their request is granted.

Alternatives:Alternative #1:

Motion to deny the request of the property owner to construct a private ice rink on Krypton Street NW, North of 157th Avenue NW.

Alternative #2:

Motion to approve the request of the property owner to construct a private ice rink on Krypton Street NW, North of 157th Avenue NW, subject to the following conditions; _____.

Alternative #3:

Motion of other.

Funding Source:

Not applicable.

Recommendation:

Staff does not support this request for the following reasons;

- This street is intended to be extended in the future.
- Municipal utilities exist under this stub street segment and the presence of the ice rink would cause delays in maintaining the utilities, if needed.
- The City will assume some liability risk if this request is granted.
- City infrastructure could be damaged during construction, use, or dismantling of the ice rink.
- Granting this request would set a precedent for others to request the use of this and/or other stub streets for any number of private uses.

Staff recommends alternative #1 for these reasons.

If Council decides to grant this resident’s request, staff recommends Council approval with the following conditions;

1. Require the resident to enter into a new license agreement with the City to protect the City in the event someone is injured while using the rink or if the rink is damaged by City crews while operating or maintaining existing infrastructure, and to require the resident to remove the rink from City right-of-way by April 15, 2024, or within 21 days of written notification by the City.
2. Require the resident to continue to provide liability insurance for their use of City right-of-way.

Outcome/Action:

Motion to deny the request of the property owner to construct a private ice rink on Krypton Street NW, North of 157th Avenue NW.

Attachments

011023 CC case

Form Review

Inbox

Brian Hagen

Form Started By: Bruce Westby

Final Approval Date: 11/22/2023

Reviewed By

Brian Hagen

Date

11/22/2023 03:56 PM

Started On: 10/16/2023 04:31 PM