

1. Call to Order. The regular meeting of the Council of the City of Rogers was called to order on Tuesday, September 25, 2007 at 7:00 p.m. at Rogers Community Center, 21201 Memorial Drive, Rogers, MN 55374.

Council present: Mayor Paul Przybilla, Scott Adams, Jamie Davis, and Steve Rauenhorst. Staff present: Chuck Burhham, City Planner; Jeff Carson, City Attorney; Stacy Doboszinski, Asst. City Administrator; Scott Lange, Engineer; John Seifert, Public Works; and Lisa Wieland, Finance Director.

2. Open Forum. No one wished to speak

3. Presentations

3.01 Rogers Wines And Spirits Staff Recognition Program – Jennifer Sever and Karen Doty. Gary Buysse requested City recognition for Jennifer Sever and Karen Doty due to their diligence with a shoplifting incident. On August 25, Doty noticed a suspected shoplifting incident. On September 5 the same woman entered the store. She was watched carefully and confronted by Sever and Doty. The woman removed a bottle of Absolut Vodka from her purse, then fled. The employees contacted the police. He recommended these employees receive official recognition from the City.

Motion by Rauenhorst, second by Adams to approve recognition for Doty and Sever. Motion carried 3-0-0.

4. Approve agenda. Items were added to the agenda as follows:

7.05 Discussion on capacity of city website.

5. Consent Agenda.

5.01 Approval of City Council Meeting Minutes of September 11, 2007

5.02 Approval of Bills and Claims

5.03 Final Plat Approval of Veit 3rd Addition (**Resolution No. 2007-60A**)

5.04 Approval of Ordinance No. 2007-10, Siren Fee Ordinance

5.05 Approval of Ordinance No. 2007-11, An Ordinance Amending Ordinance No. 1980-4 of the City of Rogers, the Rogers Zoning Ordinance, as Amended, by Amending the Uses Permitted Within the B-1 and B-2 Zoning Districts

5.06 Final Pay Application – Rogers Activity Center – KMH Erectors, Inc.

5.07 Final Pay Application – Rogers Activity Center – NewMech Companies

5.08 Final Pay Application – Public Works Facility – Fabcon Inc.

5.09 Authorization to Execute Storm Emergency Financial Assistance Agreement

5.10 Approval of a 3.2 Off-Sale Liquor License to Fresh Approach for the Sale of Organic Beer

5.11 Approval of On-Sale Liquor License Renewal for Northwest Restaurant Group Inc., DBA Maynard's Restaurant, License Period 10/21/2007 to 11/20/2008

5.12 Approval of **Resolution No. 2007-61**, A Resolution Authorizing the Mayor and Clerk to Execute a Warranty Deed to Rogers Supportive Housing, Inc.

Motion by Adams, second by Rauenhorst to approve the consent agenda. Motion carried 3-0-0.

6. General Business.

6.01 (Cont.) Consideration of appointments to the Rogers/Hassan Joint Planning Board. The Board interviewed Troy Peppin. Peppin has lived in Rogers for eight years. He expressed interest in parks and trails. Peppin's background is in maintenance in the parks and recreation department of the City of Maple Grove. Motion by Adams, second by Rauenhorst to table this item until the joint Rogers/Hassan meeting. Motion carried 3-0-0.

6.02 Backland Property Street and Utility Easement. This item is similar to the request received as part of the property acquisition agreement on the Meyer/Romar property.

Motion by Adams, second by Rauenhorst to waive the SAC and WAC fees for the hookup of one water/sewer line. Motion carried 3-0-0.

6.03 Update on Well No. 8. Lance Newman from PCE reported that the test well in the Mt. Simon aquifer showed a combined radium level of 21 picoCurries per liter. The acceptable limit for drinking water is 5 picoCurries per liter. There are two options for reducing the level of radium – blending with other water or treatment. The nearest water for blending would be from Well 6 which currently has a radium level of 4 picoCurries per liter, making it infeasible for blending. Treatment is also infeasible due to the large cost of building a treatment facility and disposing of the radioactive waste created by the treatment.

[Davis arrived at 7:19 p.m.]

The recommendation is to complete Well 8 in the Franconian-Ironton-Galesville (FIG) aquifer to produce viable water since the infrastructure is already in place and Well 8 can provide a backup for Well 6. However, Wells 6 and 8 cannot be operated at capacity simultaneously and no guarantee can be made that the capacity of Well 8 will be as great as the current capacity of Well 6 or will be able to increase the current capacity provided by Well 6 if operated below capacity simultaneously. The cost to complete Well 8 in the FIG aquifer will be \$89,000.

The benefit of a secondary well would be redundancy for Well 6. If both wells are pumped simultaneously, there may be an increase in total capacity and, even if there isn't, there would be a cost savings in electricity since the wells working in concert would not have to draw down as deeply to pump the same amount of water. Drawbacks noted include that the redundancy would not apply to Wells 3, 4, or 5 and that the purpose of drilling Well 8 was to double total capacity. The money used to complete this well may be spent drilling an additional well in the hopes of meeting that purpose.

If this well is abandoned, it may need to be filled and capped, depending on Department of Health regulations and it may not be available for future emergency use. The pump and other parts already purchased and installed at Well 8 are different from those of the other wells, so they cannot be re-used in that way. In the future, if time is not an issue, money can be saved by not installing the water main and electrical piping until the well has been tested.

Motion by Rauenhorst, second by Adams to table this item until further discussion with David Traut and the Department of Health can occur to fully understand options. Motion carried 4-0-0.

Julie Eckman, an area hydrologist for northern Hennepin County, presented the geological setting of the City of Rogers and contributing factors which may make attempting to site a well difficult. She gave options and recommendations on alternate ways to increase capacity by treating available groundwater in the City or using interconnections from other cities for groundwater. Otherwise many wells may need to be drilled to achieve the capacity goals.

6.04 Lynda Maas, Realty House Request for Variance. Lynda Maas is requesting a variance for 4' x 4' wall signs to be attached on the north and south sides of the building located at 12908 Main Street. Staff believes the definition of hardship is met due to the architecture as was the case with the variance previously requested by and granted to Allstate. The preliminary requirement of removing the House of Beans signs has been met. The Planning Commission recommended a change in dimension to 2' x 8' in a horizontal position directly above or below the Allstate sign and for the signs to be backlit.

Motion by Adams, second by Rauenhorst to approve a variance for a 2' x 8' sign located on the north and south sides of the building stacked horizontally directly above or below the Allstate sign with the requirement that the signs be backlit. Motion carried 4-0-0.

6.05 Jay Bunting Conditional Use Permit (CUP) at 12820 Main Street for a packaging or re-packaging of products for wholesale. Planning Commission and Staff recommend six conditions on this application:

1. Operation of the Conditional Use Permit shall be limited to the southern-most building on the property at 12820 South Main Street.
2. The front garage door adjacent to Main Street shall be removed in order to ensure large deliveries do not occur from Main Street. The applicant shall have until September 1, 2008 to remove or eliminate the front garage doors or the applicant will be in violation of the conditional use permit.
3. The projecting pole sign on Main Street shall be removed.
4. All parking regulations as defined by the City shall be met at all times.
5. All signage shall require a separate permit.
6. Any exterior lighting added to the structure shall be downward facing and fully cut off.

Motion by Adams, second by Rauenhorst to approve the CUP with the six conditions listed above, amending condition three with a removal date of September 1, 2008. Motion carried 4-0-0.

6.06 Amendment to Ordinance No.1980-4, Zoning Ordinance Within the City of Rogers regarding all sections dealing with Planned Unit Developments (PUD). This change aligns the City of Rogers ordinance with the Township of Hassan's ordinance. Motion by Adams, second by Davis to recommend approval of the PUD Ordinance as written. Motion carried 4-0-0. (**Ordinance No. 2007-12**)

6.07 Adopt Planning Commission By-Laws. The Planning Commission currently does not operate under any Bylaws. Motion by Davis, second by Rauenhorst to approve the Planning Commission Bylaws. Motion carried 4-0-0.

6.08 Parking lot at city owned lot within Diamond Lake Village Block 2, Lot 1; and Walter Dehn Commerce 5th Addition, Outlot B. At previous meeting, staff was directed to discover the requirements for building a parking lot adjacent to Maynards due to the no-parking enforcement on 136th Avenue. The outlot

needs to be converted to buildable land and the zoning ordinance needs to be amended to allow parking lots as a permitted use in the B-2 zone. Staff cautions that changing the ordinance would permit parking lots in all B-2 zones.

Currently, the owner of Maynards is planning to inquire if Streeter Companies will allow his staff to park on their lots.

No action necessary.

6.09 Authorization for purchase of Roll-Off Water Tank for Parks Department. Current operations have been to use the fire department tanker truck. Staff is requesting use of the remaining 2004 Equipment Certificate to purchase the tank to ensure no conflict with fire department. There is currently \$4,415 available on the Certificate line item.

Motion by Adams, second by Rauenhurst to authorize staff to purchase the roll-off water tank. Motion carried 4-0-0.

6.10 Utility Break-Out for Proposed Senior Center – 12909 Main Street. The joint electric, gas, and water and sewer utilities cannot be easily separated for the proposed senior center since there is not a large difference between the occupied and unoccupied usage. Cable service would also be included since it has been purchased for the building. Since there is no appreciable difference in utility rates it would not be an issue for the City to pay the utilities if the building was converted to a senior center. Separate telephone and internet services would need to be purchased by the senior center, along with rental insurance and other services that may also be required for use of the space.

No action necessary.

6.11 South Diamond Lake Road Intersection Signs. A request was made to have “Do Not Block Intersection” signs posted. Budget cost is \$205 for equipment purchase for four signs at that intersection, plus installation.

Motion by Adams, second by Davis to approve purchase and installation of the signs. Motion carried 4-0-0.

6.12 Requests for Reduced Community Room Rental Fee. The purpose in renting the community room was to build a revenue stream for the City. The City incurs cost to rent the room due to set-up and cleaning. The rental fee is hourly Monday through Thursday, with Friday at a set cost of \$525 for residents and \$550 for non-residents and Saturday at a set cost of \$695 since those are peak rental times. Both of the requests are for reductions at these peak times.

6.12.01 Benefit on Friday, November 30, 2007

6.12.02 FAMILIA family event on January 12, 2008

Motion by Adams, second by Rauenhurst to deny reduction of the rental fee for both events. Motion carried 4-0-0.

Motion by Davis, second by Rauenhorst to direct staff to create a standard policy or response that rental fees will not be reduced. Motion carried 4-0-0.

6.13 Rental Agreements for Ice Time at Rogers Activity Center. Changes to this agreement include that the terms for all renters will be net-20. Some are currently listed at net-30 and those agreements will be changed. All three contracts will also have the addition: Renters of the facility are responsible for the conduct of the users of the rink, including both participants and spectators, on and off the ice.

6.13.01 Rogers High School Hockey Practice Time. Adams requested a change in section .01 to correct the school district name.

6.13.02 Rogers High School Hockey Games.

6.13.03 Rogers Youth Hockey Association.

Motion by Adams, second by Rauenhorst to approve all three contracts with the correction of the signature page on section .01 and the agreement changes stated above. Motion carried 4-0-0.

6.14 Rogers Activity Center Advertising Discount. The Arena Commission is recommending a 30% discount to the advertising sale prices previously approved by the Council expiring March 31, 2008 to spark interest in advertising at the activity center and boost sales.

Motion by Davis, second by Adams to approve the 30% discount with an expiration date of March 31, 2008. Motion carried 4-0-0.

6.15 Review of Ordinance Creating Arena Commission Within the City of Rogers. The City attorney created an ordinance upon direction of the Council.

Motion by Rauenhorst, second by Davis to refer the ordinance to the Arena Commission for review. Motion carried 4-0-0.

6.16 Senior Transportation Presentation. A Joint Powers Agreement (JPA) for a Senior Transportation Program (STP) was created in 2002 by seven communities: Brooklyn Center, Brooklyn Park, Champlin, Dayton, Hassan, Maple Grove and Rogers. Hassan terminated their involvement in 2003 due to lack of usage. The Council should be appointing a citizen every year to sit on the joint powers board, but has been unaware of this program until now.

The JPA commits the member communities to a total of \$62,000 per year based on the ridership in each community. The JPA allows for anyone in the member cities to use the service, but it is used mainly by seniors and mentally-challenged adults. The program contracted Senior Community Services (SCS) to provide the rides. SCS creates ride allocation charts to calculate the billing for each city. The most recent chart, provided in July 2007 for 2006 ridership, shows over 2,900 rides taken by Rogers residents, up from 960 rides in 2003. Rates are \$4 each way inside the seven member city area, and \$5 for outside the member city area.

The following recommendations were presented:

1. Council and Senior Advisory Board should appoint an STP board member who reports to the Council in July of each year, since July is the beginning of the budget cycle and the time when SCS compiles the ridership information.

2. Review and amend the JPA to state that SCS must deliver financial reports to the member cities, not just the STP, and to record actual usage for unique individuals within each city. Data needs to be backed up and stored off-site. SCS should be required to verify each new rider's city of residence since Dayton or Hassan residents may use the city of Rogers as a mailing address due to zip codes. Riders in groups should be verified by home address. SCS will re-issue any previous reports containing inaccuracies.

Carmen Hawkins is the appointed resident currently sitting on the Board.

Motion by Davis, second by Rauenhorst to refer the JPA amendments to staff for review. Motion carried 4-0-0.

7. OTHER BUSINESS

7.01 Ratify Purchase Agreement for 23135 Edison Court. The list price was set at \$269,900 at the last Council meeting. A purchase agreement has been completed at a price of \$275,355 to cover some closing costs. The person purchasing the property is a city employee. Estimated net income will be \$252,000 after closing costs. The Finance Committee recommends moving forward with the sale.

Motion by Adams, second by Davis to ratify the purchase agreement. Motion carried 4-0-0.

7.02 Status Updates on Public Works Projects.

7.02.01 Status on Culvert Project under Rogers Drive. The last easement has been signed and approved. MnDOT is currently in the final review process to reduce boxes from three to two and from 40 ft to 30 ft. It is estimated that, with the reduction in box culverts, the amount received from MnDOT should cover the project costs. Anticipation is to obtain bids in January and construct in spring 2008.

7.02.02 Status on signaling Rogers Drive and CR 144. This item has been pulled back to January or February. The concerns include the spacing of that signal to Highway 101, the potential lifespan of that signal and a potential overpass, and how it would be funded. If the county does not approve, the signal will need to be funded by the city. The spacing is the same problem with the South Diamond Lake Road and Rogers Drive intersection. Based on the potential cost of \$300,000, staff hasn't taken further action at this time.

Adams suggesting using SAC and WAC or excess TIF-1 funds to purchase and install the signal if the county will not fund a signal. Staff will approach the county for approval.

7.02.03 Status of the Rogers Drive/South Diamond Lake Road Improvement. A proposal was received to finish some modeling of signals or re-routing truck traffic with a right in/right out at Rogers Drive at a cost of \$1,500. The Northwest Transportation Group has also reconvened and may be able to share information with the Council.

Motion by Rauenhorst, second by Davis to approve the revised scope and allocate an additional \$1,500 for the study. Motion carried 4-0-0.

7.02.04 Status on the “No Parking” Posting of 136th Avenue N. This item will proceed immediately. Police will be directed to ticket vehicles.

7.02.05 Status on CR 144 North Side Sidewalk. The area is staked but waiting for Carson to contact the property owner’s attorney. Currently have a verbal agreement with the owner; however, the owner’s attorney is not responding to attempts to reach him regarding his cost to review the contract.

7.03 Special Workshop on October 9 at 6:00 p.m. to Discuss Transportation Issues with SRF. Motion by Davis, second by Rauenhurst to approve the date and time of the transportation workshop. Motion carried 4-0-0.

7.04 County Road 81 Jake Brake Usage. Complaints were received regarding noise from jake brakes from residents of Heritage Place. Because this is a county road, a request to post signs needs to be made to the county. Adams requested staff to pursue information on whether the noise ordinance needs to be amended and how the county deals with the city ordinance.

7.05 City Website Capacity. The city website is currently exceeding its contract capacity. The contract price could be raised approximately \$50 per month to allow for the additional capacity needed to continue adding meeting minutes, ordinances and other city information to the website.

Motion by Davis, second by Adams to increase the website capacity of the city’s website at a cost of \$50 per month. Motion carried 4-0-0.

8. Correspondence and Reports.

8.01 CSAH 150 at Memorial Drive Crosswalk/Petition. A written proposal from the county has not been received. No action necessary.

8.02 Rogers Wines and Spirits Fundraising Event for Rogers Royals Baseball Team. No action necessary.

8.03 Hennepin County Road Closing. The closing will occur between Willandale and the railroad tracks. Hassan Elementary will be accessible from Highway 101. No action necessary.

9. Adjournment. Motion by Rauenhurst, second by Przybilla to adjourn. Motion carried. The meeting was adjourned at 9:52 p.m.

Respectfully submitted,

Amy LeMieux
AAL:tim