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**CITY COUNCIL  
CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

The Ramsey City Council conducted a regular meeting on Tuesday, February 22, 2011 at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey  
Councilmember Randy Backous  
Councilmember David Elvig  
Councilmember David Jeffrey  
Councilmember Colin McGlone  
Councilmember Jason Tossey  
Councilmember Jeffrey Wise

Members Absent: None

Also Present: City Administrator Kurtis Ulrich  
Deputy City Administrator Heidi A. Nelson  
Public Works Director Brian Olson  
Senior Planner Timothy Gladhill  
City Attorney William Goodrich

**1. CALL TO ORDER**

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by Elk River High School students.

**2. PRESENTATION**

None.

**3. CITIZEN INPUT**

None.

**4. APPROVE AGENDA**

Motion by Councilmember Jeffrey, seconded by Councilmember Wise, to approve the agenda as presented.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Jeffrey, Wise, Backous, Elvig, McGlone, and Tossey. Voting No: None.

## 5. CONSENT AGENDA

Motion by Councilmember Jeffrey, seconded by Councilmember Tossey, to approve the following items on the Consent Agenda:

- 5.01 Note the following Board and Commission Meeting Minutes:
  - a. Environmental Policy Board meeting minutes dated January 3, 2011
  - b. Planning Commission meeting minutes dated January 6, 2011
  - c. Economic Development Authority meeting minutes dated January 13, 2011
- 5.02 Authorize Budget for Washington D.C. Travel for Mayor Ramsey and City Administrator Ulrich to Lobby for North Star Station Funding
- 5.03 Approve change order for engineering services related to City Project #08-21; Water Tower #3
- 5.04 Approve Award of Contract for Geotechnical Services and Material Testing
- 5.05 Adopt Resolution #11-02-044 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of February 3, 2011 through February 16, 2011.
- 5.06 Adopt Resolution #11-02-045 authorizing 18<sup>th</sup> Partial Payment to CB&I Inc. for IP 08-21 Water Tower No. 3
- 5.07 Adopt Resolution #11-02-046 Dedicating City Owned Property at the Intersection of County Road 57 and Alpine Drive for Project Purposes
- 5.08 Adopt Resolution #11-02-047 Dedicating City Owned Property in the vicinity of County State Aid Highway No. 116 (Bunker Lake Boulevard) from Germanium to Basalt Street for Project Purposes
- 5.09 Report from the Personnel Committee
  - 1) Consider a Resolution to Reclassify the Fire Inspector to Fire Marshal – *Ratify the recommendation of the Personnel Committee and adopt Resolution #11-02-048 Approving the Reclassification of the Fire Inspector to Fire Marshal.*
  - 2) Consider a Resolution Ending the Probation Period of the Senior Accountant – *Ratify the recommendation of the Personnel Committee and adopt Resolution #11-02-049 Ending the Probation of the Senior Accountant*
  - 3) Consider a Resolution Ending the Probation Period of the Human Resources Representative – *Ratify the recommendation of the Personnel Committee and adopt Resolution #11-02-050 Ending the Probation of the Human Resources Representative*
- 5.10 Report from Finance Committee
  - 1) Consider Fee for Agent of Record for Property, Casualty and Workers Compensation – *Ratify the recommendation of the Finance Committee and authorize a not-to-exceed amount of \$5,800 for the City’s Agent of Record for Property, Casualty and Workers Compensation services.*
  - 2) Consider “Self-Serve” Canoe and Kayak Access for Sunfish Lake Park and Public Bikes for the COR – *Ratify the recommendation of the Finance Committee and approve funding of the self-serve canoe and kayak system at a not-to-exceed amount of \$9,000 from the Park Trust Fund, and apply \$5,000 in SHIP monies to*

*the canoes and kayaks, first, with any excess SHIP funds to be used toward the purchase of public bicycles.*

- 3) Review of Budgets – EDA, Enterprise and General Fund – *Ratify the recommendation of the Finance Committee and accept the budgets for EDA, Enterprise and General Fund and adopt Resolution #11-02-051 Amending 2010 EDA Budget, Resolution #11-02-052 Adopting 2011 EDA Budget, Resolution #11-02-053 Amending 2010 Enterprise Budgets, Resolution #11-02-054 Adopting 2011 Enterprise Budgets, and Resolution #11-02-055 Amending 2010 General Fund Budget*

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Jeffrey, Tossey, Backous, Elvig, McGlone, and Wise. Voting No: None.

## **6. PUBLIC HEARING**

There were no Public Hearings.

## **7. COUNCIL BUSINESS**

### **7.01: Request for a Home Occupation Permit to Operate a Home Based Office for Carefree Home Services at 7830 149<sup>th</sup> Ln NW; Case of Michael Beach**

Associate Planner Gladhill reviewed the staff report.

Michael Beach, 7830 148<sup>th</sup> Lane NW, applicant, was present.

Mayor Ramsey confirmed the applicant is only officing out of his home.

Mr. Beach stated he is.

Councilmember McGlone said he would normally oppose home occupations. However, since this is a large lot and there were no residents in the meeting opposed to this operation, he would not oppose the request.

Motion by Councilmember Tossey, seconded by Councilmember Elvig to adopt Resolution #11-02-056 adopting Findings of Fact #0884 and adopt Resolution #11-02-057 approving the request for a home occupation.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Tossey, Elvig, Backous, Jeffrey, McGlone, and Wise. Voting No: None.

### **7.02: Request for Adopt Ordinance for Sale of City Owned Property in Auditor's Subdivision Number 27; Case of City of Ramsey and Cross of Hope Lutheran Church**

Associate Planner Gladhill reviewed the staff report.

Motion by Councilmember Elvig, seconded by Councilmember Jeffrey, to waive the reading of the ordinance per City Charter and adopt Ordinance #11-02 authorizing the sale of property legally described on attached Exhibit A, contingent upon recording of Cross of Hope Addition plat.

A roll call vote was performed by the Recording Secretary:

Councilmember Jeffrey	aye
Councilmember Wise	aye
Councilmember McGlone	aye
Councilmember Backous	aye
Councilmember Elvig	aye
Councilmember Tossey	aye
Mayor Ramsey	aye

Motion carried.

### **7.03: Revised Real Estate Services Agreement for Bury & Carlson Site**

Development/Marketing Manager Backman reviewed the staff report. He added there are three alternatives the City could be looking at in compensation for Mr. LaFavre. One option is to leave the compensation as proposed at 5%. This would be based on the current assessed value of \$1,266,000. The second option is to pay for services rendered to date. There would be an hourly fee. The third option is to pay an hourly rate on the first 60 hours, and a 2% rate on the assessed value at closing. The hourly rate would be paid whether the project moved forward or not. The first option of a 5% fee is paid on contingency. Development/Marketing Manager Backman explained there are a few options for proceeding. The first is to look at selecting one of the above three options. The second option is to deny all proposed options. The third is to wait and see what develops. He noted he has told Mr. LaFavre he is at risk, and if the Council does not approve compensation, he is out the time he has put in. He indicated Mr. LaFavre recognizes this.

Mayor Ramsey clarified the cap is 2% plus 60 hours in the third option.

Development/Marketing Manager Backman answered in the affirmative. He further clarified if there was a joint broker fee, the buyer would be responsible for their side of the joint broker.

Councilmember Elvig inquired what Mr. LaFavre brought to the table.

Development Marketing/ Manager Backman responded Mr. LaFavre is making suggestions on how to approach the company in working with the lease, and is putting together materials regarding important items about the lease. He is helpful in the overall deal making.

Motion by Councilmember Elvig, seconded by Mayor Ramsey, to approve a revised commercial exclusive listing agreement with Integrust Advisory Group pertaining to the Bury & Carlson site that is limited in scope to the current prospect including an hourly rate on the first 60 hours, and a 2% rate on the assessed value at closing.

Further discussion: Councilmember Wise pointed out this is an appropriate arrangement, taking into consideration that this is two-thirds of the work normally required. The parties are brought to the agent in this case, lessening his work. Councilmember Tossey questioned whether staff routinely brings in a broker when a situation like this develops. Development/Marketing Manager Backman responded that bringing in a broker is reserved for specific cases. However, there were several difficult issues related to this property, which warranted additional representation. Councilmember McGlone raised his concern that the City has put itself in a delicate situation with a real estate broker who is not working under a contract at the moment. He understands there are closed meetings so the information isn't made public, but if the City does not enter into a contract, he is not beholding to the City. He questioned how this situation could be prevented from happening again. Development/Marketing Manager Backman replied the City is under time constraints. The buyer is serious and well capitalized. He said he felt it was appropriate at the time to find the broker.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Backous, Jeffrey, McGlone, Tossey, and Wise. Voting No: None.

#### **7.04: Consider Resolution Authorizing Acquisition of Tax Forfeit Property**

City Attorney Goodrich reviewed the staff report.

Public Works Director Olson noted this is a vacant park at this point. The staff has been meeting with the property owners and engaging their interest.

City Attorney Goodrich indicated once this becomes park land, it has to remain as park land and if the City acquires it for park land, it has to pay for the land. If the City wants it for residential, it has to pay market price, which is stated on the taxes.

Development Manager Lazan noted the price is within the fair market value range.

Councilmember McGlone commented it appears the purchase price would be \$15,000 for residential use, which is less than the cost for a residential lot. He stated it seems as though the City is trying to create a park whether the community is amenable or not.

Councilmember Elvig mentioned the property doesn't have value unless the City creates it. He suggested making an offer of half the asking amount and explaining the situation.

City Attorney Goodrich replied a suggested amount cannot be offered because State Statute says it has to be market value. He suggested asking what the sellers would accept or possibly they would ask less than what the City would offer.

Councilmember Tossey agreed with Councilmember Elvig, adding that the City would have to add infrastructure and extend sewer and water service from the street. He stated he would have been opposed to that.

Discussion took place on the definition of market value.

Development Manager Lazan suggested the City make an aggressive offer. He noted a price of \$12,000 for 1.5 lots is well below market value. There have been adjacent lots, not on park land, in the \$25,000 to \$30,000 range.

Councilmember Elvig stated he wanted to go on record disagreeing with Mr. Lazan's opinion. He stated if the City chooses not to build on a park because it cannot afford to, the land is not worth anything.

Motion by Councilmember Wise, seconded by Councilmember Tossey, to adopt Resolution #11-02-058 authorizing the Mayor and City Administrator to complete the application to Anoka County and the Department of Revenue for a State use deed to secure ownership of Outlot K, except the Westerly 140 feet, Ramsey Town Center 8th Addition for park and recreation purposes, with the understanding that the City will make a reasonable offer and to adopt Resolution #11-02-059 authorizing the Mayor and City Administrator to complete the application to Anoka County and the Department of Revenue for a State deed to secure ownership of the Westerly 140 feet of Outlot K, Ramsey Town Center 8th Addition for residential purposes.

Further discussion: City Attorney Goodrich explained he will send this information to the County and then to the Department of Revenue and bring it back to the Council.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise, Tossey, Backous, Elvig, Jeffrey, and McGlone. Voting No: None.

#### **7.05: Consider Support of Running Aces Harness Park Gaming Expansion**

City Administrator Ulrich reviewed the staff report and recommended action on this item be postponed due to the fact that the City of Columbus has not taken action.

Motion by Councilmember Jeffrey, seconded by Councilmember Tossey, to postpone this item to the next regularly scheduled Council meeting.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Jeffrey, Tossey, Backous, Elvig, McGlone, and Wise. Voting No: None.

### **8. MAYOR, COUNCIL AND STAFF INPUT**

#### Bonding Issue

City Administrator Ulrich stated the Council approved the bonding issue in the Work Session held this evening. He said he will be testifying this week at the State level and hearings are expected to be held March 9, 2011.

### Anoka County Chamber Gala

Councilmember Wise mentioned the Anoka County Chamber Gala will be on Friday, February 25, 2011, at Courtyards of Andover.

### Mayors Prayer Breakfast

Mayor Ramsey indicated the Mayors' Prayer Breakfast is Friday, April 1, 2011, at Constance Free Church in Andover from 7:30 to 9:00 a.m. This is a fundraiser for Youth First in Anoka, Andover and Ramsey. The speaker is Chris Brooks, Executive Director of World Vision – Twin Cities.

### League of Minnesota Cities Newly Elected Councilmember Session

Councilmember Tossey noted he and Councilmember Backous will attend a League of Minnesota Cities session entitled "How to Be a Councilmember" on Friday, February 25, 2011.

### Cable Casting HRA Meetings

Councilmember Jeffrey reported that some residents have requested that the HRA meetings be televised because they are interested in the COR. He asked that this item be added to a Work Session for discussion.

### Boy Scouts Breakfast

Councilmember Elvig stated the Boy Scouts' breakfast is Thursday, February 24, 2011, at 7:30 a.m. at the Courtyards of Andover.

### Seeking Board and Commission Members

Councilmember Backous noted the City is still looking for Board and Commission members and he encouraged citizens to get involved.

Deputy City Administrator Nelson noted the first day to review applications for Board and Commission members is February 18, 2011. The first night of interviews with the Council will be on March 2, 2011. She encouraged residents to apply as soon as possible.

## **9. ADJOURNMENT**

Motion by Councilmember Wise, seconded by Councilmember Backous, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 7:59 p.m.

Respectfully submitted,

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Kurtis G. Ulrich  
City Administrator

ATTEST:

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Jo Ann M. Thieling  
City Clerk

Drafted by Chris Moksnes, *TimeSaver Off Site Secretarial, Inc.*