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

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

Members Present: Acting Mayor Jeffrey Wise
 Councilmember Randy Backous
 Councilmember David Elvig
 Councilmember Colin McGlone
 Councilmember Sarah Strommen
 Councilmember Jason Tossey

Members Absent: Mayor Bob Ramsey

Also Present: City Administrator Kurtis Ulrich
 Deputy City Administrator Heidi A. Nelson
 Fire Chief Dean Kapler
 Public Works Director Brian Olson
 City Engineer Tim Himmer
 Environmental Coordinator Chris Anderson
 Senior Planner Timothy Gladhill
 Police Chief James Way
 Parks Supervisor Mark Riverblood
 Building Official Mick Kaehler
 Fire Marshal Matt Kohner
 City Attorney William Goodrich

1. CALL TO ORDER

Acting Mayor Wise called the regular meeting of the Ramsey City Council to order at 7:01 p.m., followed by the Pledge of Allegiance led by Acting Mayor Wise.

2. PRESENTATION

2.01: Recognition of Ramsey Garden Club

Acting Mayor Wise extended the City's appreciation to the Ramsey Garden Club for its contribution to the City. At the invitation of Acting Mayor Wise, each member introduced themselves.

3. CITIZEN INPUT

None.

4. CONSENT AGENDA

Motion by Councilmember McGlone, seconded by Councilmember Elvig, to approve the following items on the Consent Agenda as amended to remove Item 4:09 for consideration as Item 7:05 under Council Business and remove Item 4:08 for consideration as Item 7:06 under Council Business.

- 4:01 Receive Cash and Investments for Period Ending October 31, 2011
- 4:02 Receive September 2011 Financial Reports – General Fund and Enterprise Funds
- 4:03 Schedule Public Hearing to Consider Adoption of the 2012-2016 Capital Improvement Program (CIP)
- 4:04 Approve Council Meeting Schedule for December
- 4:05 Consider Extension and Amendment to Site Plan Approval to Residence at The COR; Case of F & C Ramsey, LLC
- 4:06 Consider Extension and Amendment to Site Plan Approval of Suite Living; Case of Toti Development
- 4:07 Consider Amendment to Purchase Agreement – Suite Living
- ~~4:08 Request for Approval to Assign Bonestroo Contract to Stantec~~
- ~~4:09 Introduce Ordinance for 2012 Schedule of Rates, Fees, and Charges and Call for a Public Hearing~~
- 4:10 Adopt Resolution #11-11-223 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of November 3, 2011 through November 16, 2011
- 4:11 Adopt Resolution #11-11-224 Rescinding Resolution #11-10-213 and Adopting this Resolution Establishing a Joint Fire Services Study Group
- 4:12 Adopt Resolution #11-11-225 to Consider Extension to Final Plat Approval of Major Plat Known as COR ONE; Cases of the City of Ramsey Housing and Redevelopment Authority (HRA)
- 4:13 Adopt Resolution #11-11-226 Authorizing 1st Partial Payment to Knutson Construction for IP 10-22 Municipal Parking Ramp, Phase II
- 4:14 Adopt Resolution #11-11-227 Authorizing the City of Ramsey to Participate in the Multi-Jurisdictional Anoka County Hazard Mitigation Plan
- 4:15 Adopt Resolution #11-11-228 Authorizing Final Payment to Landmark Concrete, Inc. for IP 10-28 150th Lane Sidewalk
- 4:16 Adopt Resolution #11-11-229 Authorizing Partial Payment to Sandstrom Land Management LLC for IP 09-24 COR Wetland Mitigation
- 4:17 Adopt Resolution #11-11-230 Authorizing Partial Payment to Douglas-Kerr Underground LLC for IP 11-21 Armstrong/Bunker
- 4:18 Adopt Resolution #11-11-231 Authorizing Partial Payment to Omann Brothers Paving, Inc. for IP 10-25 Chameleon Street
- 4:19 Adopt Resolution #11-11-232 Authorizing Partial Payment to County Line Excavating LLC for IP 09-25 Dysprosium Street

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

5. APPROVE AGENDA

Motion by Councilmember McGlone, seconded by Councilmember Elvig, to approve the agenda as presented.

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

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.01: Adopt Ordinance #11-XX Amending City Code Section 54 96-102 Titled Recreational Vehicles (Snowmobiles)

Police Chief Way reviewed the staff report.

The Council acknowledged there had been an effort in the past to ban snowmobiling from southwest Ramsey and if the ordinance was not followed, it may reconsider this ordinance.

Motion by Councilmember McGlone seconded by Acting Mayor Wise to waive the reading of and adopt Ordinance #11-16 amending Chapter 54 of the Ramsey City Code, which Chapter is known as the Traffic and Vehicles Chapter of the Ramsey, Minnesota, City Code.

A roll call vote was performed by the Recording Secretary:

Councilmember Backous	aye
Councilmember McGlone	aye
Councilmember Tossey	aye
Councilmember Strommen	aye
Councilmember Elvig	aye
Acting Mayor Wise	aye
Mayor Ramsey	absent

Motion carried.

7.02: Request for an Interim Use Permit to Allow for the Operation of a Church in the B-1 Business District on the Property Located at 5900 167th Avenue NW; Case of Rum River Retail Ventures, LLC

Environmental Coordinator Anderson reviewed the staff report.

Councilmember McGlone stated his rationale for opposing this request based on concern for the occupants since the building would not have a fire suppression sprinkling system.

Fire Marshal Kohner answered questions of the Council relating to the application and Chapter 1306 of the Building Code, the requirement for a fire suppression sprinkling system. He clarified he is not opposed to a 9-month temporary permit, which can be granted if agreed upon by the Fire Chief and Building Official.

Environmental Coordinator Anderson explained if approved the permit would go into effect January 3, 2012, so it would expire on October 3, 2012. The Planning Commission recommended the Council consider waiving the future application fee should they follow through with installation of the fire suppression system and want an extension. Staff would not be opposed to the extension once the system is in place and operational.

Councilmember Tossey indicated he had been opposed to this request when first presented; however, after speaking with the building owner and being assured the building owner would pay for the fire suppression system he was comfortable supporting this application.

Building Official Kaehler explained Chapter 1306 was optional and adopted by Ramsey in 2005 so the City had the ability to amend, if desired. He answered questions of the Council relating to the “temporary” status of this use.

The Council discussed the application and noted that the first deadline is March 1, 2012, and failure to meet any one of the benchmarks would be cause to bring it back to the Council.

Motion by Councilmember Elvig, seconded by Councilmember Tossey, to adopt Resolution No. 11-11-233 Adopting Findings of Fact #0895 Relating to a Request to Allow for the Operation of a Church in the B-1 Business District and to adopt Resolution No. 11-11-234 Approving the Issuance of an Interim Use Permit to Allow for the Operation of a Church in the B-1 Business District Based on Findings of Fact #0895, and Declaring the Terms of Same.

Motion carried. Voting Yes: Acting Mayor Wise, Councilmembers Elvig, Tossey, Backous, and Strommen. Voting No: Councilmember McGlone. Absent: Mayor Ramsey.

7.03: Consider Use of City Septic System Repair Policy for a Failing Septic System at 16361 Ferret Street NW

City Engineer Himmer reviewed the staff report.

The Council discussed the request and asked questions of staff.

City Attorney Ulrich presented a rationale to consider this request to meet the minimum health and safety standards in the community since a failed septic system becomes a nuisance for the neighborhood. The project cost would come from the Enterprise Fund, not the General Fund, and be assessed to the property for collection through property taxes.

City Engineer Himmer explained the City's current policy, noting it was discussed in 2009 and supported by the Council as a last resort, making it incumbent on the property owner to show justification and prove they have gone through all channels and been denied.

Building Official Kaehler described the degrees of failing septic systems and advised in this case there is surface discharge that results in a health hazard and order for repair or replacement in 45 days.

Council consensus was reached that a policy is in place that provides the ability to address failing septic systems causing health hazards. Consensus was also reached to review this policy, adopted in 1992, at a future Work Session to determine whether it should be updated.

Motion by Councilmember Backous, seconded by Councilmember McGlone, to approve the use of the Septic System Repair Policy to repair the failing septic system at 16361 Ferret Street NW, subject to requiring the property owner to submit evidence that they have investigated all other potential funding options and are ineligible to receive financing through such programs.

Further discussion was held by the Council relating to the request and motion for approval, specifically whether the City is assured these funds would be recovered should the house be sold under mortgage value. City Attorney Goodrich advised this assessment would be spread over 10 years, paid through property taxes with interest, and take position ahead of the mortgage. He recommended, based on the 100% petition, that the public hearing be waived subject to the applicant's bank signing the agreement to assure the assessment held position ahead of the mortgage. To verify ownership, City Attorney Goodrich indicated he would obtain an owner encumbrance report.

Kara Butler, 16361 Ferret Street NW, reported on their efforts to secure funds to repair the failing septic system and will know within two weeks whether they will receive "Fix Up Funds." They have exhausted all other funding avenues. She stated since 2009 they have attempted legal recourse against the previous owners since the septic system had been certified by a professional for inspection. However, they have limited funds so it is difficult to pursue a lawsuit.

City Attorney Goodrich explained the City cannot assess without a public hearing unless 100% of the people to be assessed waive the public hearing.

Jeff and Kara Butler, applicants, stated they would waive the public hearing. Ms. Butler advised that the property title is held in four names: Jeff Butler, Kara Butler, and both of Kara Butler's parents. Ms. Butler advised she has power of attorney and is able to sign for all four.

Amendment motion by Councilmember Backous, seconded by Councilmember McGlone, to make the motion contingent on waiving the public hearing, the applicant's bank giving the City prior position, obtaining an owner encumbrance report, and obtaining a subrogation if other payment is made to the Butlers (net proceeds minus legal and court costs).

Motion to amend carried. Voting Yes: Acting Mayor Wise, Councilmembers Backous, McGlone, Elvig, Strommen, and Tossey. Voting No: None. Absent: Mayor Ramsey.

Motion carried as amended. Voting Yes: Acting Mayor Wise, Councilmembers Backous, McGlone, Elvig, Strommen, and Tossey. Voting No: None. Absent: Mayor Ramsey.

7.04: Approve Anoka Ramsey Athletic Association's Request to Fund a Storage and Batting Cage Building at Central Park

Parks Supervisor Riverblood reviewed the staff report.

The Council discussed the request and indicated it was not comfortable waiving the building permit fee because it wanted to assure the storage building was properly constructed and well inspected. The Council also discussed the request of another athletic association to construct a building in Elmcrest Park. Concern was expressed about allowing associations to construct single function buildings on City property.

Parks Supervisor Riverblood answered questions of the Council relating to use of the building, advising the City has the authority to determine the appropriate use of the building including access. It is intended that this building will serve the Anoka Ramsey Athletic Association (ARAA) for the purpose of sport equipment storage.

Chad DeMeier, ARAA Treasurer and Project Lead, described their fundraising efforts and intention to use the building for storage.

Motion by Councilmember Strommen, seconded by Councilmember Elvig, to approve the Memorandum of Understanding and Commitment Agreement, acknowledging ARAA's donation of a 640 sq. ft. storage building at Central Park, pursuant to the draft agreement, subject to payment of the building permit fees, submittal of a copy of the contract between the general contractor and ARAA that authorizes the work in lieu of requiring an escrow, not requiring the ARAA to cover the monthly electrical costs, and subject to review by the City Attorney.

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

7:05 Introduce Ordinance for 2012 Schedule of Rates, Fees, and Charges and Call for a Public Hearing

Councilmember McGlone stated his rationale for voting against introduction because he would like additional information prior to taking action.

City Administrator Ulrich reviewed the staff report.

Motion by Councilmember Strommen, seconded by Councilmember Tossey, to introduce an Ordinance for 2012 Schedule of Rates, Fees, and Charges and Call for a Public Hearing.

Motion carried. Voting Yes: Acting Mayor Wise, Councilmembers Strommen, Tossey, Backous, and Elvig. Voting No: Councilmember McGlone. None. Absent: Mayor Ramsey.

7:06 Request for Approval to Assign Bonestroo Contract to Stantec

Senior Planner Gladhill reviewed the staff report.

The Council acknowledged Bonestroo had merged with Stantec and raised concern whether Stantec carried the same policies and visioning process.

Deputy City Administrator Nelson explained this contract is administered on a workload basis so if the City determines Stantec is not aligned with its goals, the contract can be terminated on 30-day notice.

Motion by Councilmember Tossey, seconded by Councilmember Elvig, to approve assignment of Bonestroo contract to Stantec.

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

8. MAYOR, COUNCIL AND STAFF INPUT

Acting Mayor Wise provided an update on the revised December meeting schedule.

Deputy City Administrator Nelson and City Administrator Ulrich announced upcoming meetings and events.

The Council commented on the great success of the inaugural train ride and extended appreciation to the taxpayers of Ramsey.

9. ADJOURNMENT

Motion by Acting Mayor Wise, seconded by Councilmember Tossey, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 8:41 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.