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

The Ramsey City Council conducted a regular meeting on Tuesday, May 8, 2012, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey
Councilmember Randy Backous
Councilmember David Elvig (arrived at 7:33 p.m.)
Councilmember Colin McGlone
Councilmember Sarah Strommen
Councilmember Jason Tossey
Councilmember Jeffrey Wise

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
City Engineer Tim Himmer
Fire Chief Dean Kapler
Police Chief James Way
City Clerk Jo Thieling
Human Resources Representative Colleen Lasher
Street Supervisor Grant Reimer
Senior Planner Timothy Gladhill
Associate Planner/Environmental Coordinator Chris Anderson
Administrative Intern Patrick Brama
City Attorney William Goodrich
Development Manager Darren Lazan

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 Mayor Ramsey.

2. PRESENTATION

None.

3. CITIZEN INPUT

John Enstrom, 8702 – 181st Avenue NW, invited all to attend a Flag retirement event at Veteran's Park on June 14, 2012, starting at 4 p.m.

4. CONSENT AGENDA

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

- 4.01: Receive February 2012 Financial Reports – General Fund and Enterprise Funds
- 4.02: Receive March 2012 Financial Reports – General Fund and Enterprise Funds
- 4.03: Adopt Resolution #12-05-057 Withdrawing Comprehensive Plan Amendment Application to Re-assess Forecasts, Land Use, and Impacts with the Intent to Forward Revised Comprehensive Plan Amendments
- 4.04: Consider Application to the Metropolitan Council Livable Communities Demonstration Account
- 4.05: Adopt Resolution #12-05-057A Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of April 19, 2012 through May 2, 2012
- 4.06: Adopt Resolution #12-05-058 Approving Revisions to the City’s Municipal State Aid (MSA) Street System
- 4.07: Adopt Resolution #12-05-059 to Prohibit Parking on Armstrong Boulevard NW (CASH 83) from Trunk Highway 10 to Sunwood Drive NW, in the City of Ramsey, Minnesota for State Aid Project 199-020-010 (CIP #12-20) AND Adopt Resolution #12-05-060 to Prohibit Parking on Sunwood Drive NW, from Armstrong Boulevard NW (CSAH 83) to Zeolite street NW, in the City of Ramsey, Minnesota for State Aid Project 199-104-010 (CIP #12-20)
- 4.08: Report from the Personnel Committee Meeting dated April 24, 2012:
 - 1) Consider a Resolution to Hire a Management Analyst – *Ratify the recommendation of the Personnel Committee to adopt Resolution #12-05-061 to authorize the hire of Patrick Brama as the Management Analyst, effective May 9, 2012.*
 - 2) Consider a Resolution to Revise the City’s Vacation Donation Policy – *Ratify the recommendation of the Personnel Committee to adopt Resolution #12-05-062 to approve the revision to the Vacation Donation Policy to exclude the requirement of active coverage under the Family Medical Leave Act.*
 - 3) Consider a Resolution to Authorize a Leave of Absence – *Ratify the recommendation of the Personnel Committee to adopt Resolution #12-05-063 to approve a three-month leave of absence for an employee due to serious medical condition.*

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

5. APPROVE AGENDA

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

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

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.01: Authorization of Resolution #12-05-XXX Accepting Proposal on Sale of \$16,875,000 General Obligation Capital Improvement Plan Bonds, Series 20152A, Providing for Their Issuance and levying a Tax for the Payment Thereof

City Administrator Ulrich reviewed the staff report.

Paul Donna, Northland Securities, explained the sale of \$16,875,000 GO Capital Improvement Plan Bonds, Series 20152A would be used to refinance the bonds issued in 2005 for the municipal center and portion of the municipal center parking ramp. He noted the net present cash flow savings had been estimated at \$425,000; however, the favorable market conditions resulted in a net present cash flow savings of \$481,000.

Motion by Councilmember Wise, seconded by Councilmember McGlone, to adopt Resolution #12-05-064 Accepting Proposal on the Sale of \$16,875,000 General Obligation Capital Improvement Plan Bonds, Series 20152A, Providing for their Issuance and Levying a Tax for the Payment Thereof.

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

7.02: Consider Approval of Special Events Permit for The Penalty Box Bar & Grill, 10477 St. Francis Boulevard NW

City Clerk Thieling reviewed the staff report and answered questions of the Council.

Motion by Councilmember McGlone, seconded by Councilmember Wise, to approve the Special Events Permit for The Penalty Box Bar & Grill, 14077 St. Francis Boulevard NW, subject to the following criteria:

1. Locate the tent in the front and as close to the building as possible;
2. Require a letter of support from the owner of the building;
3. Allow bands to play until midnight with the volume to be turned down at 11:00 p.m.;
4. Mr. McManus will hire someone to patrol parking spaces for other tenants in the strip mall;
5. A tent inspection will be performed by a representative of the Ramsey Fire Department; and,
6. Require \$2,000 be placed in an escrow account, one week in advance, to pay for the two licensed Ramsey officers and clean-up or any other expenses that may be incurred by the City, with the understanding that if the costs exceed \$2,000, Mr. McManus will be billed for the remainder or, if the entire amount is not expended, Mr. McManus will be reimbursed that amount left.

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

7.03: Consider Development Agreement for Makowsky Family Farm, LLC Metes and Bounds Subdivision at 7040 173rd Lane NW; Case of Makowsky Family Farm, LLC

Senior Planner Gladhill reviewed the staff report.

Motion by Councilmember Wise, seconded by Councilmember McGlone, to approve the Development Agreement with Makowsky Family Farm, LLC, subject to the review of the City Attorney as to legal form.

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

7.04: Introduce Ordinance(s) to Expand Recreational Vehicle Use in the City of Ramsey

Police Chief Way reviewed the staff report.

City Attorney Goodrich advised that when presented for adoption, the ordinance will be drafted in a different format but the content will be unchanged.

Motion by Mayor Ramsey, seconded by Councilmember McGlone, to introduce the Ordinance to Amend Chapter 54 of the Ramsey City Code, which Chapter is known as the Traffic and Vehicle Chapter of the Ramsey, Minnesota, City Code – An Ordinance Amending Article IV, Sections 96-102 Recreational Vehicles – All Terrain Vehicles.

Further discussion: Councilmember Strommen stated she understands the desire to use ATVs to gain access to more rural environments; however, she is concerned with allowing ATVs on City streets in more urban areas because it could create enforcement issues, conflicts with larger vehicles, and accidents. She noted Minnesota Statute 169 addresses regulations for on-road vehicles while Statute 84 addresses regulations for off-road vehicles, and asked which Statute would regulate the use of ATVs, an off-road vehicle on City streets. Police Chief Way advised that Statute 169 would regulate ATVs that receive a City permit under this ordinance and require the same equipment as motorcycles (helmet, signals, headlights, driver's license, insurance). The ATV would be granted an area in which to drive (a lane of traffic) and if found in violation, a citation would be issued. Police Chief Way stated a City permit would be required and the City would issue a decal/sticker to affix to the ATV. Those making application would be provided with a copy of the Statute and educational handouts advising of the requirements/regulations. Police Chief Way indicated those details will be worked out prior to the Council considering adoption. Councilmember Strommen stated her intention to vote against the motion due to concerns she had expressed in addition to the potential that non-Ramsey drivers of larger vehicles may not be familiar with ATVs using City streets, creating additional potential for conflict and traffic accidents. The Council discussed the ordinance and a majority voiced support since those holding a driver's license have been educated on driving regulations

and allowing ATVs on City streets provides another mode of transportation. Mayor Ramsey indicated if problems arise in The COR or other areas, he would reconsider his support.

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

Councilmember Elvig arrived at 7:33 p.m. and indicated he would abstain from the vote.

Motion by Mayor Ramsey, seconded by Councilmember McGlone, to introduce Ordinance to Amend Chapter 54 of the Ramsey City Code, which Chapter is known as the Traffic and Vehicle Chapter of the Ramsey, Minnesota, City Code – an Ordinance Creating Article V, Sections 103-102 Recreational Vehicles – Golf Carts.

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

7.05: Introduce Ordinance to Amend City Code Chapter 10 (Animals) Related to Keeping of Non-Domestic Animals on Parcels Less than Three (3) Acres in Size

Senior Planner Gladhill reviewed the staff report.

The Council discussed the proposed ordinance and expressed a reluctance to consider animals such as donkeys, roosters, pigs, or goats on lots less than three acres in size.

The consensus of the Council was to direct staff to redraft the ordinance prior to introduction to allow four chickens per one-quarter acre for lots under three acres; to use animal units for properties larger than three acres; and, to require a CUP for bee keeping so notification is provided to surrounding property owners.

7.06: Consider East Side Oil Equipment Lease

To avoid appearance of a conflict, Councilmember McGlone left the Council Chambers at 7:47 p.m.

Associate Planner/Environmental Coordinator Anderson and Street Supervisor Reimer reviewed the staff report and answered questions of Council.

The Council discussed the proposal and support was expressed to offer residents a collection site to recycle used oil; however, concerns were expressed relating to level of staff resources to monitor the tank, liability to have residents access the site, and environmental liability should there be a spill.

City Attorney Goodrich recommended the contract be amended to require additional insurance and indemnity for liability and environmental hazards in addition to naming the City as an additional insured. The Council also suggested a shorter termination clause in the event of a hazardous situation.

Councilmember Elvig raised the option of the City leasing land to Eastside Oil Company, for a nominal amount, so the onus would be on Eastside Oil Company related to what happens on its leased property.

Patty Carlson, Eastside Oil Company, stated they have offered this program to municipalities for 17 years and currently have 52 public sites in Minnesota. Since they have never considered leasing land for the tank, that option would have to be reviewed by their attorneys. She described the program, noting mixed oil has limited value and the RFP with the State of Minnesota for this zone is 90 cents per gallon. Ms. Carlson indicated the 2,000-gallon, double-walled tank costs \$20,000 and the program results in forming a partnership with the City with limited staff resources to periodically monitor the tank. She indicated Eastside Oil Company carries a large liability insurance policy.

Councilmember Backous expressed a reluctance to consider the proposal, noting it would only generate an additional \$1,000 annually from what the City is doing now. He noted this does not seem to be a problem for residents because there are other locations to recycle oil, this proposal could result in residents leaving behind additional debris, it would add more layers of government, and consume staff resources.

A majority of the Council spoke in support of the program, as long as the contract can adequately address the issues of liability, because it would provide a convenience to residents.

The consensus of the Council was to support providing this service to residents and direct staff to contact City of Elk River staff to gain their input, to negotiate a lease agreement with East Side Oil Company that addresses issues of liability, and to also explore the option of leasing land to East Side Oil Company.

7.07: Discussion of Counter Proposal regarding the acquisition of property located at 8020 – 147th Avenue NW, Ramsey, MN for Right-of-Way purposes and future development - Portions of this case may be closed to the public

City Attorney Goodrich reviewed the staff report and advised that under Minnesota Statutes, the meeting can move into closed session to discuss confidential or non-public appraisal data and acquisition negotiations. He indicated closed session discussion will relate to acquisition of property located at 8020 – 147th Avenue WN for right-of-way purposes for the Sunwood Drive Realignment Project. The closed session will be tape recorded and that tape will be maintained for a period of eight years.

Councilmember McGlone returned to the Council Chambers at 8:14 p.m.

Motion by Councilmember Backous, seconded by Councilmember Strommen, to move to closed session to discuss acquisition negotiations.

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

The City Council meeting moved into a closed session at 8:14 p.m.

The City Council reconvened in open session at 8:29 p.m.

City Attorney Goodrich stated the Council discussed a counter proposal for right-of-way acquisition and authorized staff to continue negotiating with the property owner at 8020 – 147th Avenue NW as needed for the Sunwood Drive Realignment Project and if successful to draft a purchase agreement for consideration at a future meeting.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich acknowledged the 12 years of dedicated service by Public Works Director Brian Olson and noted a reception in his honor will be held on May 15, 2012. He announced upcoming meetings, events, and Council agenda items.

Mayor Ramsey announced the May 17, 2012, Mayor's Town Hall Meeting.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 8:34 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.