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

The Ramsey City Council conducted a regular meeting on Tuesday, June 26, 2012, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey
Councilmember Randy Backous
Councilmember David Elvig
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
Finance Director Diana Lund
Fire Chief Dean Kapler
City Clerk Jo Ann Thieling
Human Resources Representative Colleen Lasher
Parks and Public Works Superintendent Mark Riverblood
Senior Planner Timothy Gladhill
Associate Planner/Environmental Coordinator Chris Anderson
Management Analyst 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 7:04 p.m., followed by the Pledge of Allegiance led by Mayor Ramsey.

2. PRESENTATION

2.01: Presentation for Recognition of Twenty Consecutive Years as a Tree City USA

Senior Planner Gladhill described the components required to be recognized as a Tree City USA and extended appreciation to Associate Planner/Environmental Coordinator Anderson, Parks and Public Works Superintendent Riverblood, and the Environmental Policy Board.

Mayor Ramsey presented the Tree City USA Award to EPB Chair Max and Board Members, noting their efforts were instrumental in Ramsey receiving this award for twenty consecutive years.

Associate Planner/Environmental Coordinator Anderson introduced EPB Members in attendance and thanked the Parks, Streets, and Engineering staff for their work that resulted in this recognition.

3. CITIZEN INPUT

John Enstrom, 8702 – 181st Avenue NW, suggested the City consider instituting a rodent bounty system and offered assistance in training how to trap rodents.

Levi Dargis, 6741 – 157th Lane NW, stated his road was paved last year and is already falling apart. He described the large sized holes that were not fixed before being paved and stated residents are not happy with the project they paid for.

City Administrative Ulrich stated engineering staff will explore options and address issues before the warranty expires. It was indicated this item could be considered by the Public Works Committee at its July 17, 2012, meeting.

4. CONSENT AGENDA

Motion by Mayor Ramsey, seconded by Councilmember Backous, to approve the following items on the Consent Agenda as revise to remove Item 4:14:

- 4.01: Receive Cash and Investments for Period Ending May 31, 2012
- 4.02: Note the following Boards and Commissions Meeting Minutes:
 - 1) Planning Commission meeting minutes dated May 3, 2012
 - 2) Environmental Policy Board meeting minutes dated May 7, 2012
 - 3) Economic Development Authority meeting minutes dated May 10, 2012
- 4.03: Consider Escrow Agreement for Property Identification Number Division at 14503 Bowers Drive; Case of Ann Tolkinen
- 4.04: Approve Exemption for a Gambling License for Wounded Warriors Guide Service, Inc.
- 4.05: Approve Purchase of Customer Request Management (CRM) Software
- 4.06: Adopt Resolution #12-06-087 Approving Cash Disbursement Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of June 7, 2012, through June 20, 2012
- 4.07: Adopt Resolution #12-06-088 to Enter into a Contract with the MN DNR for Community Forest Bonding Grant Monies for North Commons Landscaping
- 4.08: Adopt Resolution #12-06-089 Authorizing Partial Payment to Knutson Construction for IP10-22 Municipal Parking Ramp, Phase II
- 4.09: Adopt Resolution #12-06-090 Authorizing Final Payment to Dryden Excavating for IP 10-24; Wetland 656 W Outlet
- 4.10: Adopt Resolution #12-06-091 Authorizing Partial Payment to Sandstrom Land Management, LLC for IP 09-24 COR Wetland Mitigation

- 4.11: Adopt Resolution #12-06-092 Authorizing Final Payment to Dryden Excavating for IP 10-32; 176th Avenue Culvert Replacement
- 4.12: Adopt Resolution #12-06-093 to Authorize a Paid-on-call Firefighter Recruitment and Streamline Future Recruitments
- 4.13: Adopt Resolution #12-06-094 Assigning an Approved Conditional Use Permit for Motor Vehicle Sales at 6740 Highway 10 NW to MSM Auto LLC
- ~~4.14: Adopt Resolution #12-06-XXX Declaration of the City of Ramsey that the City has Adopted the Corresponding 10 Performance Measures developed by the Council on Local Results and Innovation (Created by the Legislature in 2010) This item was removed from the Consent Agenda and considered as Item 7.9.~~

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

5. APPROVE AGENDA

Motion by Councilmember Elvig, seconded by Councilmember Wise, to approve the agenda as revised to add Item 7.10, Consider Resolution #12-06-XXX to Offer a Voluntary Early Separation Program.

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

6. PUBLIC HEARING

6.01: Public Hearing: Application for Off-Sale Intoxicating Liquor License; Case of Fairway Liquors, 5900 – 167th Avenue NW

Mayor Ramsey closed the regular portion of the City Council meeting at 7:17 p.m. in order to conduct a public hearing.

Public Hearing

Mayor Ramsey called the public hearing to order at 7:17 p.m.

Presentation

City Clerk Thieling reviewed the staff report.

Bruce Mathson introduced himself and stated he is excited to reopen as Fairway Liquors.

Citizen Input

There was none.

Motion by Councilmember Elvig, seconded by Mayor Ramsey, to close the public hearing.

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

The public hearing was closed at 7:18 p.m.

Council Business

Mayor Ramsey called the regular City Council meeting back to order at 7:18 p.m.

Motion by Councilmember Wise, seconded by Councilmember Tossey, to approve an On-Sale Intoxicating Liquor License application for Bruce Mathson of Atlantic Cargo Company, Inc., d/b/g Fairway Liquors.

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

7. COUNCIL BUSINESS

7.01: Request for an Interim Use Permit to Allow for the Operation of a Church in the H-1 Highway 10 Business District on the Property Located at 6937 Highway 10 NW; Case of Freedom Christian Church

Associate Planner/Environmental Coordinator Anderson reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Elvig, to adopt Resolution #12-06-XXX adopting Findings of Fact relating to the request for an Interim Use Permit.

Further discussion: Councilmember McGlone stated his support to limit approval to a term of five years. Mayor Ramsey declared the motion to be out of order since it supported staff's recommendation that the term be tied to an event, not a yearly term.

Motion by Councilmember McGlone, seconded by Councilmember Tossey, to adopt Resolution #12-06-095 adopting Findings of Fact #0903 relating to the request for an Interim Use Permit.

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

Motion by Councilmember McGlone, seconded by Councilmember Elvig, to adopt Resolution #12-06-096 approving the request for an Interim Use Permit that will expire in five years maximum and declaring the terms as proposed, subject to review of the City Attorney and contingent upon receiving written consent of the Subject Property owner.

Further discussion: In response to the Council's questions, Associate Planner/Environmental Coordinator Anderson indicated State Statute requires a public hearing for renewal of or a new Interim Use Permit. He stated the costs would be a \$200 application fee and \$600 escrow to cover the cost to publish the public hearing notice, mailing, and staff time to process the

application. Councilmember Tossey stated his intent to vote against the motion, preferring staff's recommendation to streamline the process by tying the term to an event as opposed to an arbitrary date.

Amendment motion by Mayor Ramsey that the City to reimburse permit and escrow soft costs (i.e., publication costs) in consideration of the hardship caused to this nonprofit.

Motion died for lack of a second.

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

7.02: Consider Approval of Environmental Policy Board's 2012-2013 Work Plan

Associate Planner/Environmental Coordinator Anderson reviewed the staff report.

Motion by Councilmember Backous, seconded by Councilmember Strommen, to adopt Resolution #12-06-097 approving the EPB's annual work plan as amended to coordinate with the Lower Rum River Water Management Organization.

Further discussion: The Council acknowledged its discussion during Work Session asking the EPB to notify the Council should an item come up mid-year for inclusion in the Work Plan. Councilmember Backous recognized the EPB members, past and present, and thanked each for their efforts on behalf of Ramsey.

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

7.03: Consider East Side Oil Equipment Lease

Councilmember McGlone recused himself due to a potential conflict of interest and left the Council Chambers at 7:31 p.m.

Associate Planner/Environmental Coordinator Anderson reviewed the staff report.

City Attorney Goodrich indicated the lease contains standard indemnity language recommended by the League of Minnesota Cities that requires East Side Oil Company to hold the City harmless for things like malfunction of equipment should a spill occur.

Motion by Mayor Ramsey seconded by Councilmember Wise, to authorize staff to execute an equipment lease agreement that contains environmental indemnity language to protect the City in the event of an oil spill, with East Side Oil Companies, subject to review by the City Attorney as to legal form.

Further discussion: The Council discussed that this service is of benefit for the City's residents and the lease contains a 30-day termination should it be found the program is not working. A

suggestion was made to ask the EPB to review the program in one year to determine if it is successful and make a recommendation. Concern was expressed by several Councilmembers that the indemnity language was only good if the company was still in business and they supported better positioning to assure the City is protected. It was pointed out that the Council had previously directed staff to explore the option of East Side Oil Companies leasing City land for its equipment, which would better position the City to limit liability. Associate Planner/Environmental Coordinator Anderson explained staff was confident the indemnity language and positive response from other communities placed the City in a good position, but would have no issue exploring a lease-back opportunity with Eastside Oil Company.

Substitute motion by Mayor Ramsey seconded by Councilmember Elvig, to postpone consideration of equipment lease agreement with East Side Oil Companies to the next meeting to allow time for staff to explore a lease-back option with East Side Oil Companies.

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

Councilmember McGlone returned at 7:48 p.m.

7.04: Authorize Interim City Engineer Contract

City Engineer Himmer reviewed the staff report and presented the contract costs, noting the Hakanson Anderson proposal was for a \$8,600/month stipend but included development review, plat and other reviews.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to accept the Hakanson Anderson proposal and appoint Hakanson Anderson as the Interim City Engineer.

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

7.05: Approve Comprehensive Utility Reports; Sanitary Sewer and Water System Studies

City Engineer Himmer reviewed the staff report.

Motion by Councilmember Elvig, seconded by Mayor Ramsey, to adopt the 2012 Comprehensive Sanitary Sewer and Water System Studies.

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

7.06: Consider Award of Contract for City Improvement Project 12-20; Sunwood Drive Realignment

City Engineer Himmer reviewed the staff report and projects that the City would administer in-house. He noted the contract includes two inspectors and there is flexibility within the WSB and

Landform contracts to use the engineering professional services budget if someone is needed. City Engineer Himmer explained how the \$175,000 construction administration would be divided between the City, WSB, Landform, and legal.

Motion by Mayor Ramsey, seconded by Councilmember Tossey, to adopt Resolution #12-06-098 Awarding a Contract for the City Improvement Project 12-20; Sunwood Drive Realignment to North Pine Aggregate in the amount of \$2,342,825.82.

Further discussion: City Engineer Himmer responded to the Council's request for additional information relating to "who is doing what" with this project and clarified the Landform contract is with the HRA and this is a City contact. It was noted the JPA allows Anoka County to have some say on who is contracted for its jobs and had indicated a preference for WSB. City Engineer Himmer and City Administrator Ulrich reviewed funding sources. Development Manager Lazan responded to concerns expressed relating to "lack of sales" and generation of land proceeds to fund this project by advising of purchase agreements with Jeffrey Wise, a second user in that quadrant, and negotiations for West 30 sites. Development Manager Lazan addressed the construction administration component of the contract and advocated for awarding Landform with construction staking, suggesting it is in Landform's "wheelhouse" and Landform is better positioned to complete that work. City Administrator Ulrich described staff's interpretation of the Landform contract, noting a preference is given to Landform for projects within The COR. However, a distinction was drawn between HRA projects versus City rights-of-way projects. City Attorney Goodrich stated he would need to review the Landform contract before rendering an opinion. The Council discussed the competitive bid that had been received, noting it was \$500,000 lower than estimated, which addressed some of the funding concerns. It was noted the Council needed to reach a decision before expiration of the \$500,000 LRIP grant and \$1.7 million funding from Anoka County. City Administrator Ulrich clarified it is possible to award the contract, move forward with the City doing some of the construction administration, and then decide on the staking contract at the July 10, 2012, once more facts are gathered relating to Landform's contract. City Engineer Himmer stated this contract award could be a stand-alone consideration; however, a decision is needed within a week or two because data has to be transferred and signage posted.

Substitute motion by Councilmember Elvig, seconded by Councilmember Backous, to postpone consideration of Award of Contract for City Improvement Project 12-20; Sunwood Drive Realignment, pending close of purchase agreements.

Further discussion: The Council discussed the substitute motion to postpone. It was noted the road project is required to bring buyers for the sites; however, it was also noted that buyers would know the City was committed to build the roads once the sites were purchased so the City could lower its risk by delaying road construction until purchase agreements were in hand. City Engineer Himmer advised the bids are good for 30 days. Councilmember Wise stated his intent to participate in the vote on this item since Wiser Choice Liquors now has a purchase agreement, that dollar amount is not going to change, and the motion under consideration relates to a road project.

Substitute motion failed. Voting Yes: Councilmembers Elvig and Backous. Voting No: Mayor Ramsey, Councilmembers McGlone, Strommen, Tossey, and Wise.

City Attorney Goodrich indicated the City Council had previously given direction to proceed with purchase agreements for road rights-of-way.

City Engineer Himmer noted acquisition of Wiser Choice Liquors is included in the \$2.7 million, which was approved at the last Council meeting.

City Attorney Goodrich advised that the site acquired by Wiser Choice Liquors has the option for an alternate access from Sunwood Drive in case this project does not move forward. Thus, that relocation and purchase is not predicated on this road project.

The Council debated the merits of the Sunwood Drive Realignment project, each stating their position, for or against.

Councilmembers Tossey, McGlone, and Wise advocated strongly to proceed with award of the contract as recommended by staff.

Councilmember Elvig stated he understands the need for this project but is concerned with timing and funding, wanting to understand all costs including acquisition before awarding bids to assure the City's funds were not dangerously depleted.

Councilmember Strommen asked questions of staff relating to funding for this project and impact on utility funds.

City Engineer Himmer reviewed the \$5.35 million funding package as presented in March, noting the only difference is to add street lighting, which will be a separate contract with Connexus, and the temporary road on Zeolite Street. He described how he analyzed the bid, line by line, to identify items related to water, storm water, and sanitary sewer. The funding being presented reflects real bid prices and correlate to those specific items plus a small overhead for engineering components.

Finance Director Lund advised there are healthy balances in the Water Utility Fund, Stormwater Utility Fund, and Sanitary Sewer Fund to cover these costs. With regard to the Equipment Fund, Finance Director Lund indicated the 2013 budget contains \$581,000 of equipment purchases and the Council will determine whether to issue equipment certificates or use the Equipment Fund.

Councilmember Backous stated he thought Councilmember Elvig's motion was worthwhile to lower the City's risk, but he supported this effort to get ready for the overpass, which is key to developing The COR.

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

7.07: Consider Award of Contract for City Improvement Project 12-00; 2012 Street Maintenance Program

City Engineer Himmer reviewed the staff report and explained bids from the previous year are used to determine engineer's estimates.

Motion by Councilmember McGlone, seconded by Councilmember Wise, to adopt Resolution #12-06-099, awarding a contract for City Improvement Project 12-00; 2012 Street Maintenance Program, to Allied Blacktop in the amount of \$514,110.74.

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

7.08: Adopt Ordinance Amending Chapter 8 (Public Improvements and Special Assessments) of the City Charter as Recommended by the Charter Commission

City Attorney Goodrich reviewed the staff report and advised of required Council votes for passage depending on the percentage of petitioning property.

Motion by Mayor Ramsey, seconded by Councilmember McGlone, to waive the requirement of the City's Charter to read aloud the ordinance and adopt the Charter Commission recommended Ordinance #12-08 Amending Chapter 8 (Public Improvement and Special Assessment).

A roll call vote was performed by the Recording Secretary:

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

Motion carried.

7.09: Adopt Resolution #12-06-XXX Declaration of the City of Ramsey that the City has Adopted the Corresponding 10 Performance Measures developed by the Council on Local Results and Innovation (Created by the Legislature in 2010)

The Council thanked staff for bringing forward this program for Performance Measures, noting it will provide translation between dollars or percentage of budget spent on service to level of service residents receive.

Motion by Councilmember Strommen, seconded by Councilmember Elvig, to adopt Resolution #12-06-100, Declaration of the City of Ramsey that the City has Adopted the Corresponding 10 Performance Measures developed by the Council.

Further discussion: The Council discussed opportunities to use the \$3,000 grant to obtain resident input and indicated this would be discussed at a future Work Session.

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

Councilmember Wise left the Council Chambers at 9:10 p.m.

7.10: Consider Resolution #12-06-XXX to Offer a Voluntary Early Separation Program

Human Resources Representative Lasher reviewed the staff report.

Motion by Councilmember Tossey, seconded by Councilmember Strommen, to adopt Resolution #12-06-101, to Offer a Voluntary Early Separation Program.

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

8. MAYOR, COUNCIL AND STAFF INPUT

Mayor Ramsey announced the City Council Work Session on July 3, 2012, has been cancelled.

City Administrator Ulrich announced upcoming meeting schedules and events. He thanked City Engineer Himmer for his great work on behalf of the City of Ramsey and wished him well as the Coon Rapids City Engineer.

Councilmember Elvig presented Sunwood Drive Realignment Project estimates that had been presented and discussed in March.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 9:13 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.