

TABLE OF CONTENTS

1. CALL TO ORDER 2

2. PRESENTATION..... 2

3. CITIZEN INPUT 2

4. CONSENT AGENDA 2

5. APPROVE AGENDA 5

6. PUBLIC HEARING 5

 6.01: Public Hearing to Consider Adopting Ordinance to Vacate a Portion of Drainage and Utility Easement on 8250 163rd Avenue NW; Case of William Nemec and Shari Monchamp . 5

 6.02: Public Hearing to Consider Extension or Revocation of a Conditional Use Permit for Motor Vehicle Sales at 8175 Riverdale Drive NW; Case of Quality RV..... 6

7. COUNCIL BUSINESS..... 7

 7.01: Change Purchase Entities for Property at 14590 Armstrong Boulevard NW (Wiser Choice Liquors) 7

 7.01.a: Adopt Resolution for the Transfer of Funds to the Housing and Redevelopment Authority (HRA) Fund to Carry out the Goals of the Redevelopment Plan of 2007 7

 7.01.b: ..Adopt Resolution Identifying the Terms of Sale of Outlot A, Ramsey Town Center 3rd Addition 8

 7.02: Adopt an Ordinance to Amend the Official Zoning Map for Lot 9, Block 2, WINDSORWOOD, Related to the City-Owned Lands Project 8

8. MAYOR, COUNCIL AND STAFF INPUT 9

9. ADJOURNMENT 10

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

The Ramsey City Council conducted a regular meeting on Tuesday, October 9, 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 Jeffrey Wise

Members Absent: Councilmember Jason Tossey

Also Present: Deputy City Administrator/Finance Director Diana Lund
Human Resources Manager Colleen Lasher
Development Services Manager Timothy Gladhill
Assistant Planner/Environmental Coordinator Chris Anderson
Management Analyst Patrick Brama
City Attorney William Goodrich
Interim Engineer Shane Nelson
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

Mark Shatza and Adam Rinowski, Boy Scout Troop 204, introduced themselves and explained they were attending as part of the Communications Merit Badge, an Eagle Scout requirement.

4. CONSENT AGENDA

Motion by Councilmember Elvig, seconded by Councilmember Backous, to approve the following items on the Consent Agenda as revised to remove Items 4:08, 4:10, 4:12, and 4:13:

- 4.01: Receive August 2012 Financial Reports – General Fund and Enterprise Funds
- 4.02: Receive Building Permit Revenue Report for September 2012
- 4.03: Note the Following Board and Commission Meeting Minutes:
 - 1) Planning Commission Meeting Minutes dated August 2, 2012
 - 2) Economic Development Authority Meeting Minutes dated August 2, 2012
 - 3) Environmental Policy Board Meeting Minutes dated August 6, 2012
- 4.04: Approve the following Meeting Minutes:
 - 1) City Council Work Session – August 13, 2012
 - 2) City Council Regular – August 13, 2012
 - 3) City Council Work Session – August 28, 2012
 - 4) City Council Regular – August 28, 2012
 - 5) City Council Work Session – September 4, 2012
 - 6) City Council Work Session – September 11, 2012
 - 7) City Council Regular – September 11, 2012
 - 8) City Council Work Session – September 25, 2012
 - 9) City Council Regular – September 25, 2012
- 4.05: Approve Request to Declare Surplus Property
- 4.06: Approve Termination Agreement with First Transit, Inc. for Ramsey Star Express
- 4.07: Approve Change Order #3 for Sunwood Drive Project
- ~~4.08: Approve Connexus Proposal – Sunwood Drive Project~~ This item was removed from the Consent Agenda.
- 4.09: Adopt Resolution #12-10-149 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of September 20, 2012, through October 4, 2012
- ~~4.10: Adopt Resolution #12-10-XXX for the Transfer of Funds to the Housing and Redevelopment Authority (HRA) Fund to Carry out the Goals of the Redevelopment Plan of 2007~~ This item was removed from the Consent Agenda and considered as Case 7.01.a.
- 4.11: Adopt Resolution #12-10-150 Authorizing Acceptance of the Office of the State Auditor’s Finding
- ~~4.12: Adopt Resolution #12-10-XXX Requesting that Anoka County Housing and Redevelopment Authority (HRA) Allocate \$236,000 of its 2013 Levy toward The COR Development Project in the City of Ramsey and Adopt Resolution #12-10-XXX Declaring the City of Ramsey Support of Anoka County and its County-wide Economic Development Objectives and Activities~~ This item was removed from the Consent Agenda and considered as Case 7.03.
- ~~4.13: Adopt Resolution #12-10-XXX Identifying the Terms of Sale of Outlot A Ramsey Town Center 3rd Addition~~ This item was removed from the Consent Agenda and considered as Case 7.01.b.
- 4.14: Report from the Public Works Committee Meeting dated September 18, 2012:
 - 1) Review Resident’s Concerns with the Sunfish Lake Boulevard / CR 116 Project – *Ratify the recommendation of the Public Works Committee to follow the guidelines of the Anoka County Highway Department and direct staff to call resident Jessie Diaz several months after project completion to learn whether cut through traffic is still a concern.*
 - 2) Consider Stop Sign Request for 145th Lane and Tungsten Way – *Ratify the recommendation of the Public Works Committee to accept staff’s recommendation to*

- install a four-way stop at 145th Lane and Tungsten Way because of the limited sight distance caused by the grade differential at that intersection.*
- 3) Consider Stop Sign Request at 152nd Lane and Helium Street – *Ratify the recommendation of the Public Works Committee to accept staff recommendation to not install stop signs at the intersection of 152nd Lane and Helium Street because it does not meet the warrants outlined in the manual on Uniform Traffic Control Devices (MUTCD), traffic volumes are low, and visibility is satisfactory on all three legs.*
 - 4) Consider Sight Triangle Concerns at Alpine Drive and Puma Street – *Ratify the recommendation of the Public Works Committee to authorize entering into negotiations with the landowner for necessary easements to lower the boulevard south of Alpine Drive and west of Puma Street to provide better sight distance.*
 - 5) Crosswalk Request for Zirconium Street and Alpine Drive – *Ratify the recommendation of the Public Works Committee to direct staff to further research and make recommendation on the installation of a crosswalk near the Zirconium Street and Alpine Drive intersection.*
 - 6) Consider Retention Pond Improvements Near 5430 149th Lane – *Ratify the recommendation of the Public Works Committee to authorize staff to work with the property owners to remove selected trees adjacent to the pond near 5430 149th Lane for ease of future maintenance and to leave the pond configuration as is.*
 - 7) Consider Storm Water Improvements at Rum River Hills Golf Course – *A continuation of discussion related to 2011 flooding concerns – This item was brought forward as a separate case at the September 25, 2012, City Council meeting.*
 - 8) Sunwood Drive Project – Supplemental Agreement #1, Change Order #2 and Connexus Relocation Charges – *Ratify the recommendation of the Public Works Committee to approve Supplemental Agreement #1 for a trail width of ten feet, to extend the curb to the south 126 feet to prevent runoff from Armstrong Boulevard from sheet flowing onto the proposed parking area in the COR TWO, estimated at \$5,001, and to direct City Administrator Ulrich to have all parties in the room at one time and negotiate a settlement for City Council consideration.*
 - 9) Review of Miscellaneous Storm Water Appurtenances in the Vicinity of Lake Ramsey – *Ratify the recommendation of the Public Works Committee to declare storm water appurtenances in the vicinity of Lake Ramsey to be surplus property, to ask Parks & Assistant Public Works Superintendent Riverblood to provide a recommendation on potential park use, and to dispose of all items that have no future use so as not to be a concern for future development.*
 - 10) Follow-up Information on Radar Speed Signs – *Ratify the recommendation of the Public Works Committee to approve the purchase of two SP 100 signs with solar panel and 3-cell battery backup.*
 - 11) Sunwood Drive Traffic Control Plan – *Ratify the recommendation of the Public Works Committee to keep Zeolite open as long as possible.*
- 4.15: Report from the Personnel Committee Meeting dated September 25, 2012:
- 1) Consider a Resolution to Hire Paid-on-call Firefighters – *Ratify the recommendation of the Personnel Committee to adopt Resolution #12-10-151 to hire Jeff Erickson, Alex Merritt, Mike Nelson, Adam Schrag, and Scott Widstrom as Paid-on-call Firefighters at \$12.88 per hour effective October 10, 2012.*

4.16: Report from the Personnel Committee Meeting dated October 2, 2012:

- 1) Consider a Resolution to Hire an IT Specialist – *Ratify the recommendation of the Personnel Committee to adopt Resolution #12-10-152 to hire Jason Fredrickson as the regular IT Specialist at \$20.50 per hour as of October 10, 2012*

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

5. APPROVE AGENDA

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

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

6. PUBLIC HEARING

6.01: Public Hearing to Consider Adopting Ordinance to Vacate a Portion of Drainage and Utility Easement on 8250 163rd Avenue NW; Case of William Nemec and Shari Monchamp

Mayor Ramsey closed the regular portion of the City Council meeting at 7:05 p.m. in order to conduct a public hearing.

Public Hearing

Mayor Ramsey called the public hearing to order at 7:05 p.m.

Presentation

Assistant Planner/Environmental Coordinator Anderson reviewed the staff report.

Citizen Input

There was none.

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

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

The public hearing was closed at 7:08 p.m.

Council Business

Mayor Ramsey called the regular City Council meeting back to order at 7:08 p.m.

Motion by Councilmember Elvig, seconded by Councilmember Backous, to waive the Charter requirement to read the ordinance aloud and adopt Ordinance 12-16 to Vacate a Portion of Drainage and Utility Easement on 8250 163rd Avenue NW as shown on the exhibit.

A roll call vote was performed by the Recording Secretary:

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|------------------------|--------|
| Councilmember Wise | aye |
| Councilmember McGlone | aye |
| Councilmember Elvig | aye |
| Councilmember Strommen | aye |
| Councilmember Backous | aye |
| Councilmember Tossey | absent |
| Mayor Ramsey | aye |

Motion carried.

6.02: Public Hearing to Consider Extension or Revocation of a Conditional Use Permit for Motor Vehicle Sales at 8175 Riverdale Drive NW; Case of Quality RV

Mayor Ramsey closed the regular portion of the City Council meeting at 7:09 p.m. in order to conduct a public hearing.

Public Hearing

Mayor Ramsey called the public hearing to order at 7:09 p.m.

Presentation

Assistant Planner/Environmental Coordinator Anderson reviewed the staff report and recommendation to continue the public hearing to October 23, 2012, to allow time for consideration of the grading and drainage plans by the Lower Rum River Water Management Organization.

Citizen Input

There was none.

Council Business

Motion by Councilmember McGlone, seconded by Councilmember Wise, to continue the public hearing to October 23, 2012, at 7:00 p.m.

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

7. COUNCIL BUSINESS

7.01: Change Purchase Entities for Property at 14590 Armstrong Boulevard NW (Wiser Choice Liquors)

Councilmember Wise recused himself due to a potential conflict of interest and left the Council Chambers at 7:12 p.m.

City Attorney Goodrich reviewed the staff report and stated the rationale for removing Cases 4:10, and 4:13 from the Consent Agenda because those cases deal with transfer of funds for the purchase of 14590 Armstrong Boulevard NW (Wiser Choice Liquors) and terms for the sale of Outlot A. He stated it is staff's recommendation that the funds be transferred from the City to the HRA to allow the ability to purchase the Wiser Choice Liquor property and that Outlot A be transferred to Sophia Ramsey, LLC, in exchange for loss of an access.

Councilmember Strommen asked how State law prohibition on this purchase had not come to light until this late date, noting the Council had been working on negotiations over a period of months and went through the process of adopting a resolution to address how to mitigate conflicts with interest.

City Attorney Goodrich described the timing of this consideration that began with the HRA and was then transferred to the City. He explained he discovered the Statute states it is for "goods and services" but real estate is excepted. City Attorney Goodrich advised the HRA has the authority to purchase properties for redevelopment and for utilities and infrastructure to enhance development. It was noted that part of the Wiser Choice Liquors property will be used for right-of-way for the Sunwood Drive improvement project and future Armstrong Boulevard/Highway 10 project and some parts may be joined to others for redevelopment.

Motion by Mayor Ramsey, seconded by Councilmember Backous, to affirm that because of State law restrictions, the City will not purchase from M&W Holdings, LLC the real property located at 14590 Armstrong Boulevard, and legally described as Lot 2, Block 1, Hauser Addition, Anoka County, Minnesota.

Further discussion: The Council discussed its support for the motion and intention to discuss during the HRA meeting whether the purchase results in subverting the spirit of the law.

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

7.01.a: Adopt Resolution for the Transfer of Funds to the Housing and Redevelopment Authority (HRA) Fund to Carry out the Goals of the Redevelopment Plan of 2007

City Attorney Goodrich recommended action, if taken, be subject to the HRA approving purchase of this property. If not approved, the funds would not be transferred.

Motion by Councilmember McGlone, seconded by Mayor Ramsey, to Adopt Resolution #12-10-153 Authorizing the Transfer of Funds to the Housing and Redevelopment Authority (HRA) to be used for the Purchase of Wiser Choice Liquor as Outlined in the Redevelopment Plan of 2007, subject to the HRA approving purchase of this property.

Further discussion: Councilmember Strommen stated her intention to not support the motion to transfer City funds to the HRA specifically for purchase of property owned by a City Councilmember. Deputy City Administrator/Finance Director Lund indicated Bond Counsel addressed the issue of transferring these funds to the HRA and advised that as long as it is public funds and part of the Redevelopment Plan, it meets all qualifications needed. Bond Counsel Bray advised the law allows the HRA to do certain things that it does not allow the City Council to do and there is no prohibition on transfer of funds. If approved, the HRA would be using its statutory powers to accomplish something the City Council does not have the statutory power to accomplish.

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

7.01.b: Adopt Resolution Identifying the Terms of Sale of Outlot A, Ramsey Town Center 3rd Addition

Attorney Goodrich reviewed the staff report, noting Outlot A would be transferred to Sophia Ramsey, LLC in consideration of a lost access as a result of the platting and Sunwood Drive realignment.

Motion by Councilmember Backous, seconded by Councilmember Elvig, to Adopt Resolution #12-10-154 Approving the Terms and Conditions of Sale for Outlot A, Ramsey Town Center 3rd Addition, Anoka County, Minnesota.

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

Councilmember Wise returned to the Council dais at 7:36 p.m.

7.02: Adopt an Ordinance to Amend the Official Zoning Map for Lot 9, Block 2, WINDSORWOOD, Related to the City-Owned Lands Project

Management Analyst Brama reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Wise, to waive the Charter requirement to read the ordinance aloud and Adopt Ordinance 12-17, an Amendment to Chapter 117, which is known as the Zoning and Subdivisions Chapter of the City Code of Ramsey, Minnesota, amending the Official Map.

Councilmember Backous aye
Councilmember Wise aye

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| Councilmember Elvig | aye |
| Councilmember McGlone | aye |
| Councilmember Tossey | absent |
| Councilmember Strommen | aye |
| Mayor Ramsey | aye |

Motion carried.

7.03: Adopt Resolution Requesting that Anoka County Housing and Redevelopment Authority (HRA) Allocate \$236,000 of its 2013 Levy toward The COR Development Project in the City of Ramsey and Adopt Resolution Declaring the City of Ramsey Support of Anoka County and its County-wide Economic Development Objectives and Activities

Management Analyst Brama reviewed the staff report.

Councilmember McGlone stated he had opposed this option at the EDA level and sees no reason to enter into a five-year contract with Anoka County. He preferred to leave the funds, which had been levied against Ramsey's residents and if approved, to opt out at the first opportunity.

Motion by Mayor Ramsey, seconded by Councilmember Strommen, to Adopt the Resolution Requesting that Anoka County Housing and Redevelopment Authority (HRA) Allocate \$236,000 of its 2013 Levy toward The COR Development Project in the City of Ramsey and Adopt the Resolution Declaring the City of Ramsey Support of Anoka County and its County-wide Economic Development Objectives and Activities.

Further discussion: Mayor Ramsey noted the current HRA levy was quite high so the City Council agreed to lower the levy and ask Anoka County HRA for funds it had levied from Ramsey residents for projects. Councilmember Elvig stated he does not support this action and had voted to lower the HRA levy because he wanted the HRA to spend less. Councilmember Backous agreed that the HRA levy was too high and the intention was to reduce HRA spending. He stated his intention to oppose the motion because he felt these funds should be used on housing everywhere in Ramsey, not just in The COR. Councilmember Strommen asked whether some of the funds can be available for The COR senior housing project if the City does not opt into Anoka County EDA. Karen Skepper, Assistant Anoka County HRA Executive Director, stated they looked at Ramsey's funding request and found several are directly related to senior housing and could be directed toward those projects if specified by a City Council resolution. Assistant City Administrator/Finance Director Lund advised the HRA adopted levy only covered basic operations of the HRA so other items would have to be supported by future land sales.

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

8. MAYOR, COUNCIL AND STAFF INPUT

Councilmember Strommen suggested providing a Council update since tonight's meeting was not video cast.

Councilmember Elvig presented his analysis of payments made to Flaherty and Collins and conclusion that expenses did not match the original proforma that had been approved.

Following a brief discussion, the City Council directed staff to review the information gathered by Councilmember Elvig and schedule this matter for further discussion at a Work Session meeting.

Development Manager Lazan described the thorough process for distributions that are certified by an independent project manager, registered and licensed architect, and PNC Bank.

Deputy City Administrator/Finance Director Lund requested direction related to approval of future pay estimates. The Council directed Deputy City Administrator/Finance Director Lund to continue to make payments according to the City Council approved agreement.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 8:00 p.m.

Respectfully submitted,

Diana Lund
Deputy City Administrator/Finance Director

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.