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

The Ramsey City Council conducted a regular meeting on Tuesday, October 23, 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  
Fire Chief Dean Kapler  
Human Resources Manager Colleen Lasher  
Development Services Manager Timothy Gladhill  
Assistant Planner/Environmental Coordinator Chris Anderson  
Management Analyst Patrick Brama  
City Attorney William Goodrich  
Development Manager Darren Lazan  
Interim Engineer Ron Wagner  
Interim Engineer Shane Nelson

**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**

**2.01: Resolution Proclaiming Homelessness Awareness Month**

Mayor Ramsey read in full a Resolution proclaiming November as Homelessness Awareness Month in the City of Ramsey.

**3. CITIZEN INPUT**

Patrick Surma, 164<sup>th</sup> Avenue NW, expressed his high respect for the Republic, Flag, and encouraged all to participate in the upcoming election.

#### **4. CONSENT AGENDA**

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

- 4.01: Receive Cash and Investments for Period Ending September 30, 2012
- 4.02: Note the following Boards and Commission Meeting Minutes:
  - 1) Planning Commission Meeting Minutes Dated September 6, 2012
  - 2) Economic Development Authority Special Meeting Minutes Dated September 2, 2012
  - 3) Economic Development Authority Meeting Minutes Dated September 13, 2012
- 4.03: Approve Request to Declare Surplus Property
- 4.04: Approve the Following Meeting Minutes:
  - 1) City Council Work Session – October 2, 2012
  - 2) City Council Work Session – October 9, 2012
  - 3) City Council Regular Session – October 9, 2012
- 4.05: Adopt Resolution #12-10-155 authorizing making application for Shared Fire Service Grant Opportunity
- 4.06: Schedule Canvassing Board for Tuesday, November 13, 2012
- 4.07: Adopt Resolution #12-10-155A Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of October 5, 2012, through October 16, 2012
- 4.08: Adopt Resolution #12-10-156 Authorizing Partial Payment to Knutson Construction for IP 10-22 Ramsey Municipal Parking Ramp, Phase II
- 4.09: Adopt Resolution #12-10-157 Authorizing Partial Payment to Julian M. Johnson Construction for IP 12-24; 2012 Storm Sewer Improvements Division B
- 4.10: Adopt Resolution #12-10-158 Authorizing Partial Payment to North Valley, Inc. for IP 12-23; Alpine Drive Reconstruction
- 4.11: Adopt Resolution #12-10-159 Authorizing Partial Payment to North Pine Aggregate, Inc. for IP 12-20; CSAH 83 (Armstrong Boulevard) – Sunwood Drive
- 4.12: Adopt Resolution #12-10-160 Adopting Findings of Fact #0906 Relating to a Request from Lake Region RV to Permit Motor Vehicle Sales in the B-2 Highway Business District at the Properties Located at 7815 Riverdale Drive NW; and Adopt Resolution #12-10-161 Approving the Issuance of the CUP and Declaring Terms of Same.
- 4.13: Adopt Resolution #12-10-162 Proclaiming November Homelessness Awareness Month
- 4.14: Adopt Resolution #12-10-163 Appointing Election Judges for the General Election on November 6, 2012
- 4.15: Report from the Personnel Committee Meeting dated October 9, 2012:
  - 1) Consider a Resolution Ending the Probation Period of the Management Analyst – *Ratify the recommendation of the Personnel Committee to Adopt Resolution #12-10-164 Ending the Probationary Period for the Management Analyst.*

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

## **5. APPROVE AGENDA**

Motion by Councilmember Backous, seconded by Mayor Ramsey, to approve the agenda as revised to remove Case 7:05.

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

## **6. PUBLIC HEARING**

### **6.01: Public Hearing (continued) 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 7:05 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. He reported the applicant had submitted revised grading plans that addressed staff's concerns and the Lower Rum River Water Management Organization approved the permit, so staff recommends the Conditional Use Permit be continued contingent upon required improvements being completed prior to December 31, 2012.

#### **Citizen Input**

There was none.

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

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

The public hearing was closed at 7:07 p.m.

#### **Council Business**

Mayor Ramsey called the regular City Council meeting back to order at 7:07 p.m.

Motion by Councilmember McGlone, seconded by Councilmember Wise, to Adopt Resolution #12-10-165 adopting Findings of Fact #0908 to support continuation of the Conditional Use Permit and confirm the continuation of the Conditional Use Permit, contingent upon receipt of their WMO Permit and installation of required improvements by December 31, 2012.

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

## **7. COUNCIL BUSINESS**

### **7.01: Consider Selection of Consultant Firm for Analysis of a Full Service, Year-Round Recycling Drop-Off Center and Non-Site Specific Plan Development**

Assistant Planner/Environmental Coordinator Anderson reviewed the staff report, presented the two Request for Proposals (RFPs) that were received and recommendation to award to SAIC at a flat rate of \$30,000 based on meeting the completion date of December 31, 2012. He also presented the request of Ace Solid Waste to table this consideration.

Motion by Councilmember McGlone, seconded by Councilmember Wise, to table indefinitely consideration of a recycling drop-off center.

Further discussion Councilmember McGlone stated his rationale for not supporting the use of grant funds to study a recycling drop-off center, noting the close location of other such utilities that can be viewed, and since Ace Solid Waste is willing to put a full-time staffer in this realm at no cost to the City. The Council directed staff to ask Anoka County whether the grant can be extended and/or used for hard costs. City Administrator Ulrich noted the advantage of using the grant to hire a consultant is that it will take work from staff so they can do other work. Assistant Planner/Environmental Coordinator Anderson stated other work tasks would include code enforcement, planning responsibilities, preparation for Tree City USA, County recycling reports, and working with the EPB on its initiatives. He stated he does not dispute the knowledge of Ace relating to solid waste management or recycling but both consultants provided extensive nationwide knowledge of developing these types of facilities from design through construction phases. Strommen stated she is swayed, in part, by the argument it takes some work off staff's "plate" to gather this information and supported moving forward with the initial scoping and to develop a specific way to engage the public and Ace, a local company with significant expertise. Councilmember Wise stated his preference to extend the schedule so the Foth RFP, which is \$5,000 lower, can be considered and that he would rather see the grant funds used for hard costs. Assistant Planner/Environmental Coordinator Anderson advised the County solid waste management staff assisted with review of the proposals and identified the timeline provided by Foth as a concern based on program guidelines for spending funds. In addition, SAIC was a better match for what Ramsey wants to accomplish. Councilmember McGlone advocated for his motion to table indefinitely, stating this is a private sector endeavor and should not be a burden on City staff. With regard to timeliness of this consideration, Assistant Planner/Environmental Coordinator Anderson reviewed dates of past consideration and explained part of the delay had to do with drafting a thoughtful RFP and meeting with Anoka County, Andover, and the Coon Rapids Recycling Coordinator, and scheduling for Council consideration. Councilmembers Backous and Tossey voiced support for the motion because it would allow time to explore

utilizing Ace as a partner and use private dollars for this purpose. Councilmember Strommen noted the Council authorized the grant application, accepted the grant, and authorized staff to send out an RFP so she questioned why this is the first time these concerns are being raised. Councilmember McGlone stated in the translation between staff and him, he thought the grant could be used to build a facility, fencing, or signage. Councilmember Elvig stated it makes sense to get Ace involved but he does not support the motion if postponing a private/public effort and building without public input. Mayor Ramsey clarified the motion by Councilmember McGlone to postpone is because he does not want to move forward at this time. City Administrator Ulrich recommended action to table to November 27, 2012, a date specific, to allow time for staff to research grant funding with Anoka County and pursue an Ace Solid Waste recommendation to prepare a better proposal. Councilmember McGlone declined the suggestion and indicated the motion stands to table indefinitely. Assistant Planner/Environmental Coordinator Anderson confirmed the grant was to gather information necessary to identify space needs, equipment needs, lot size, and building setup to accommodate materials. There may be a similar grant opportunity in 2013 for up to \$50,000 without a match requirement to build on what is learned over the next few months. It was his understanding that Ace Solid Waste would provide planning and hoped the grant money could be shifted towards hard costs. Assistant Planner/Environmental Coordinator Anderson indicated Ace Solid Waste has expertise in providing hauling and recycling services; however, does not match up in terms of expertise with project design and site layout.

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

**7.02: Request for Final Plat Review of NORTHGATE ADDITION (Minor Plat) and Request for Site Plan Review and Conditional Use Permit for Northgate Performing Arts Center at the North East Intersection of Sunwood Drive and Peridot Street; Case of PSD, LL and Northgate Church**

Development Services Manager Gladhill reviewed the staff report and presented the site plan components and parking calculations.

City Administrator Ulrich stated there would be no TIF impact because this is tax exempt property.

The Council discussed the availability of parking and opportunity for shared parking. It was noted if the church grows and wants to expand, underground or ramp parking, or proof of parking could be addressed at that time. In addition, there is a City parking lot in the area. The Council indicated it wanted to assure that following the Planning Commission's recommendation for a Conditional Use Permit (CUP) allows opportunity to address parking at the time of a future expansion.

Development Services Manager Gladhill noted consideration is for Phase 1. Phase 2 would require site plan review and a revised CUP, resulting in City consideration. He explained that should staff identify an issue, even if no expansion, it will be brought before the Council. Development Services Manager Gladhill indicated the City's analysis did not consider the PACT

Charter School as part of this request and the applicant is aware they have to solve parking if requesting an expansion.

The Council continued its discussion of parking and agreed the site holds opportunity to build a parking structure, if needed.

Motion by Councilmember Elvig, seconded by Councilmember Backous, to Adopt the Resolution Granting Final Plat Approval of NORTHGATE ADDITION; to Adopt the Resolution Adopting the Findings of Fact Related to the Approval of a Conditional Use Permit for the Operation of Northgate Performing Arts Center; to Adopt the Resolution Granting Approval of a Conditional Use Permit for the Operation of Northgate Performing Center; and, to Approve the Site Plan of the Northgate Performing Arts Center, all contingent upon compliance with the City Staff Review letter dated September 28, 2012, with direction by the Planning Commission on the Proposed Proof of Parking Plan to Support the use of Proof of Parking as written in the Resolution.

Further discussion: City Attorney Goodrich responded to questions of the Council and indicated there is no legal issue with the City's ability to address parking in the future with a CUP change as long as it is understood that no action tonight will give them more than the ordinance allows at this time. City Administrator suggested the motion include specificity in what defines a "parking problem" so the City has the authority to revoke the CUP should it occur. City Attorney Goodrich concurred and suggested the CUP language be subject to legal review.

Substitute motion by Councilmember Elvig, seconded by Councilmember Backous, to Adopt Resolution #12-10-166 Granting Final Plat Approval of NORTHGATE ADDITION; to Adopt Resolution #12-10-167 Adopting Findings of Fact #0909 Related to the Approval of a Conditional Use Permit for the Operation of Northgate Performing Arts Center; to Adopt Resolution #12-10-168 Granting Approval of a Conditional Use Permit for the Operation of Northgate Performing Center; and, to Approve the Site Plan of the Northgate Performing Arts Center, all contingent upon compliance with the City Staff Review letter dated September 28, 2012, with direction by the Planning Commission on the Proposed Proof of Parking Plan to Support the use of Proof of Parking as written in the Resolution, and that it is at the Council's sole discretion to determine whether there is a parking problem, and subject to review and modification by legal counsel as to legal form.

Further discussion: The Council agreed the performance standards should be tied to Code parking requirements.

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

Councilmember Elvig left the meeting at 8:07 p.m.

### **7.03: Receive Bids and Authorize Contract for City Project #12-28 Rum River Hills Storm Sewer Improvements**

Interim Engineer Nelson reviewed the staff report and staff's recommendation to award the bid to North Pine Aggregate.

Motion by Councilmember Backous, seconded by Councilmember McGlone, to award the alternate bid to the low bidder, North Pine Aggregate, in the amount of \$98,211.40.

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

**7.04: Sunwood Drive Project – Consider Change Order #4**

Interim Engineer Nelson reviewed the staff report and recommendation to approve Change Order #4.

Motion by Councilmember McGlone, seconded by Mayor Ramsey, to approve Change Order #4 in the amount of \$22,645.79.

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

**7.05: Consider Change Order #5 – Sunwood Drive (Sunwood Retail Improvements)**

This item was removed upon adoption of the agenda.

**7.06: Consider Ordinance to Amend City Code Section 117-118 (The COR) Approving Amendment to The COR Design Framework Related to Off-Street Parking, Signs, Parks and Trails, and Sub-District Boundaries**

Development Services Manager Gladhill reviewed the staff report.

Motion by Mayor Ramsey, seconded by Councilmember McGlone, to introduce Ordinance Amending Section 117-118 "The COR Districts" of Chapter 117 of the City Code of Ramsey, Minnesota to Amend Sub-District Boundaries, Parking Regulations, Parks Section, and Master Sign Plan.

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

**7.07: Approve Additional Services – Sunwood Drive Construction Administration**

City Administrator Ulrich reviewed the staff report and recommended approval of the request by Landform for an additional \$15,000 for the Sunwood Drive construction administration.

Councilmember Wise stated he would not vote on this issue, due to a potential conflict, but wanted to raise the issue that his business had been dramatically impacted during this road

project. He asked the Council to hold a future discussion about writing contracts more tightly, possibly offering an incentive for the developer to finish early, because “time is money.”

The Council discussed the Landform request and how the contract is overseen, noting this is an after-the-fact funding request to double the cost for construction administration.

City Administrator Ulrich indicated if the Council does not approve the additional amount, it would be at contractor’s risk if it did not receive Council approval prior to expending the work. However, it is somewhat fluid as to when the contractor knows the costs are reaching the maximum and needs to schedule an extension request on the Council’s agenda. City Administrator Ulrich explained it is primarily the responsibility of the City Engineer but also the responsibility of the independent contractor to bring it to the City’s attention when costs are at the limit of what was approved.

Councilmember Strommen stated her concern with considering payment after-the-fact and pointed out the Council had established precedent in other cases to not approve retroactive amounts that had not come before the Council for preapproval or there had been no written documentation related to payment. She urged the Council to be consistent in how it handles similar requests.

Councilmember Tossey stated his concerns relate to the perception of inefficient government and lack of accountability.

Development Manager Lazan maintained there were important distinctions since this is not a contract where Landform controls the scope or price to which it is committed. He explained the former City Engineer determined the scope and every day staff determines the scope when they call Landform for work. By way of baseline, he pointed out inspection for WSB is \$70,000 including survey time and WSB can cross bill time between survey and inspection. City inspection is also \$70,000 yet the City picked \$15,000 for Landform. Development Manager Lazan stated Landform has spent a considerable amount of time on this project beyond what was anticipated and that extra time has been driven by City staff, not Landform. He requested the Council approve the budget and stated he would provide more information, if requested.

Councilmember McGlone noted there had been an extraordinary number of issues with this project and many involved Landform. In addition, with winter coming, staff wanted this road project completed prior to winter weather.

Mayor Ramsey submitted that this situation is the product of a poor decision made when this project started. He noted while some on the Council had advocated to hire a professional it was decided to have City staff run this project and now it has come back to “bite us.” He found the past City Engineer had under-anticipated the work of Landform and it was not right or proper to not pay a contractor who has provided a service requested by staff.

Motion by Mayor Ramsey, seconded by Councilmember McGlone, to approve the modification to Landform’s contract number RAM 12019 revising the maximum fee from \$15,000 to \$30,000 to cover projected efforts through completion of the project.

Further discussion: Councilmember Backous asked Development Manager Lazan whether he had objected to the \$15,000 estimate when it was put forward. Development Manager Lazan indicated at one time it was understood that WSB or Landform would do the inspection. After it was decided to have City staff inspect the project, he had noted his objection twice, in writing. Councilmember Strommen stated she thinks it would have been reasonable for Landform to present this request the end of September. She stated she does not want to stop the project, but finds this to be an issue of timeliness dealing with the public's money and she intends to vote against the motion. Development Manager Lazan reviewed Landform's billing process, noting it bills two to three weeks in arrears. He had been alerted when the costs reached \$17,000 and brought it before the Council on September 25, 2012, but it had been tabled to tonight. Development Manager Lazan stated he wanted to keep the project moving forward and worked in good faith. Councilmember Backous clarified the motion is for a maximum (not to exceed) of \$30,000.

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

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

Councilmember Tossey expressed his increasing concern related to tax increment financing (TIF) and belief that it leads to unfairness.

Motion Councilmember Tossey, seconded by Councilmember Backous, to instruct staff to start the process to decertify properties within TIF 14.

City Administrator Ulrich indicated a decertification will need additional research and public hearings.

Councilmember McGlone raised the issue of fairness to the rest of the City should TIF be eliminated.

The Council discussed whether the concept of TIF results in "handcuffing" the City's general funds. It was noted that most TIF Districts will be coming off line within a year or two.

City Administrator Ulrich reviewed the current obligation for TIF districts.

Councilmembers Tossey and Backous revised the motion to instruct staff to start the process to decertify properties within TIF 14 that are not currently obligated.

The Council continued its discussion on the impact of TIF and resulting impact to annual property taxes, costs for administration of the contract, staff time, and intangibles.

Councilmember McGlone and Mayor Ramsey indicated that while they support, in theory, eliminating TIF, it can be beneficial when in the right hands and used correctly. They, along

with Councilmember Strommen indicated additional study and information was needed prior to considering decertification.

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

City Administrator Ulrich announced upcoming meetings and events, noting the next scheduled Council meeting is November 13, 2012.

Mayor Ramsey announced that early voting is open at City Hall.

Councilmember McGlone commented on inaccuracies in a recent *StarTribune* article relating to the City of Ramsey and The COR.

John Enstrom, 8702 – 181<sup>st</sup> Avenue NW, invited everyone visit Veterans Park on November 11, 2012.

## **9. ADJOURNMENT**

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

Motion carried.

The regular meeting of the City Council adjourned at 8:50 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 Carla Wirth  
*TimeSaver Off Site Secretarial, Inc.*