

**City of Ramsey**  
**Agenda**  
**Regular Planning Commission**  
**Thursday June 7, 2012**  
**7:00 pm**  
**Council Chambers, 7550 Sunwood Drive NW**

- 1. Call to Order**
- 2. Citizen Input**
- 3. Approve Agenda**
- 4. Approve Minutes**
  1. Approve the Following Planning Commission Meeting Minutes:  
Planning Commission Meeting Minutes Dated May 3, 2012
- 5. Note City Council Minutes**
  1. Note the Following City Council Meeting Minutes:  
City Council Meeting Minutes Dated March 13, 2012  
City Council Meeting Minutes Dated March 24, 2012  
City Council Meeting Minutes Dated April 10, 2012  
City Council Meeting Minutes Dated April 24, 2012  
City Council Meeting Minutes Dated May 8, 2012
- 6. Public Hearing/Commission Business**
  1. PUBLIC HEARING: 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 Suite 160; Case of Freedom Christian Church
  2. Review Sketch Plan for The COR, a Phased Major Plat; Case of the City of Ramsey Housing and Redevelopment Authority
  3. Staff Update
  4. Zoning Bulletins
- 7. Commission/Staff Input**
- 8. Adjournment**

**Regular Planning Commission**

**4. 1.**

**Meeting Date:** 06/07/2012

**By:** JoAnn Shaw, Community Development

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Information

Title:

Approve the Following Planning Commission Meeting Minutes:

Planning Commission Meeting Minutes Dated May 3, 2012

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

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Attachments

05.03.12

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Form Review

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Tim Gladhill	Tim Gladhill	05/31/2012 10:16 AM
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**PLANNING COMMISSION  
CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

The Ramsey Planning Commission conducted a regular meeting on Thursday, May 3, 2012, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Vice-Chairperson Gary Van Scoy  
Commissioner Randy Bauer  
Commissioner Ralph Brauer  
Commissioner Rob Schiller

Members Absent: Chairperson Gary Levine  
Commissioner Joseph Field

Also Present: Senior Planner Tim Gladhill  
Associate Planner/Environmental Coordinator Chris Anderson

**CALL TO ORDER**

Vice Chairperson Van Scoy called the regular meeting to order at 7:02 p.m.

**CITIZEN INPUT**

None.

**APPROVAL OF AGENDA**

Motion by Vice Chairperson Van Scoy, seconded by Commissioner Brauer, to approve the agenda as presented.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Brauer, and Schiller. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

**APPROVE PLANNING COMMISSION MINUTES**

Motion by Commissioner Brauer, seconded by Commissioner Schiller, to approve the following minutes with the change of the word perimeters to parameters on page 3:

- 1) Planning Commission public hearing and regular meeting minutes dated April 5, 2012

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Brauer, and Schiller. Voting No: None. Abstain: Commissioner Bauer. Absent: Chairperson Levine and Commissioner Field.

## **PUBLIC HEARINGS/COMMISSION BUSINESS**

**Case #1: Public Hearing – Consider Request for a Conditional Use Permit to Process Demolition Concrete in the E-2 Employment District and to Stockpile Sand/Soil on a Property in the E-2 Employment District at 6651 141<sup>st</sup> Avenue NW; Case of Sauter and Sons, Inc.**

### **Public Hearing**

Vice Chairperson Van Scoy called the public hearing to order at 7:04 p.m.

### **Presentation**

Associate Planner/Environmental Coordinator Anderson presented the staff report.

### **Citizen Input**

This evening the attached letters were received from Lenny Kalway of Kalway Construction, 14160 Basalt Street, Derek West of 24 Restore, 6615 141<sup>st</sup> Avenue, John Dehn of Dehn Oil, 6735 141<sup>st</sup> Avenue, and an email from Jeff Welle of Welle Construction.

Commissioner Brauer stated the contingencies do not mention the City investing and redeveloping the area and there were long term plans to have it as an office park, he asked if that has changed and if there is a long term vision for that area.

Senior Planner Gladhill stated that this area was looked at as a redevelopment area; there is not a project today, but hopefully someday there will be development on this vacant parcel. That is why the interim use permit route was reviewed by Staff. The future land use in the Comprehensive Plan remains the same.

Tom Sauter, Sauter & Sons, Inc., the applicant, stated he wants to bring in concrete and crush it for his own use; it will not be open to the public. Once a year they will bring the concrete in, recycle it and use it for their job sites; they do demolition all year and Bury and Carlson and Commercial Asphalt are closed in the winter months. He stated he could put in a berm and trees on Ebony Street for screening purposes.

Commissioner Brauer asked how much noise the crushers make.

Mr. Sauter stated it does not make a lot of noise and the dust can be controlled by adding water.

Vice Chairperson Van Scoy stated two concerns seem to be erosion and potential contamination, and asked what can be done for the erosion and potential contamination.

Mr. Sauter stated he could maintain and clean the pond; he has had fill there for 10 years and the pond is in good shape. He will not be hauling contaminated material to his own site.

Associate Planner/Environmental Coordinator Anderson stated staff could work with the applicant to get a detailed plan for erosion control and contamination prevention.

Mr. Sauter stated that is acceptable to him.

Discussion ensued regarding the pond, erosion control, contamination prevention, and screening.

Chris Bury, Bury and Carlson, stated their concern is that Sauter and Sons brought material into the yard before any approvals were given. Sauter & Sons' same request was denied in 2004 and those reasons should be addressed. In 2004 they were to remove all the rubble when the permit was denied and they failed to do so. He also stated that Bury and Carlson is opened for business all year long and open until noon on Saturdays.

Discussion ensued regarding the code enforcement process.

Motion by Commissioner Bauer, seconded by Commissioner Schiller, to close the public hearing.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Schiller, and Brauer. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

Vice Chairperson Van Scoy closed the public hearing at 8:01 p.m.

### **Commission Business**

Motion by Commissioner Bauer, seconded by Vice Chairperson Van Scoy to recommend that City Council adopt findings of fact relating to the request for a Conditional Use Permit for processing demolition concrete and asphalt in the E-2 Employment District with the removal of finding of fact #24.

### **Further Discussion**

Commissioners discussed if finding of fact #24 should be included in the findings of fact.

Motion amended by Commissioner Bauer, seconded by Vice Chairperson Van Scoy to recommend that City Council adopt findings of fact relating to the request for a Conditional Use Permit for processing demolition concrete and asphalt in the E-2 Employment District incorporating finding of fact #24 into part 1 of finding of fact #23.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Brauer, and Schiller. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

Motion by Commissioner Bauer, seconded by Vice Chairperson Van Scoy to recommend that City Council adopt a resolution approving the request for a Conditional Use Permit for processing demolition concrete and asphalt on the property at 6651 141<sup>st</sup> Avenue NW and declaring the terms of the permit, based on findings of fact.

## **Further Discussion**

Discussion ensued regarding an erosion control plan.

Motion amended by Commissioner Bauer, seconded by Vice Chairperson Van Scoy to recommend that City Council adopt a resolution approving the request for a Conditional Use Permit for processing demolition concrete and asphalt on the property at 6651 141<sup>st</sup> Avenue NW with the addition “The applicant shall develop an erosion control plan subject to approval by the City” and declaring the terms of the permit, based on findings of fact.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Brauer, and Schiller. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

Motion by Commissioner Bauer, seconded by Commissioner Schiller to recommend that City Council adopt findings of fact relating to the request for a Conditional Use Permit for open and outside storage as the principal use in the E-2 Employment District.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Schiller, and Brauer. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

Motion by Commissioner Bauer, seconded by Commissioner Schiller to recommend that City Council adopt a resolution approving the request for a Conditional Use Permit for open and outside storage as a principal use on the property at 14191 Ebony Street NW and declaring the terms of the permit, based on findings of fact.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Schiller, and Brauer. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

**Case #2: Public Hearing – Consider Request for Variance to Platting Requirements at 7040 173<sup>rd</sup> Avenue NW; Case of Makowsky Family Farm, LLC**

## **Public Hearing**

Vice Chairperson Van Scoy called the public hearing to order at 8:14 p.m.

## **Presentation**

Senior Planner Gladhill presented the staff report.

## **Citizen Input**

Discussion ensued regarding the road easement and if it should be required.

William Makowsky, 7040 173<sup>rd</sup> Avenue NW, the applicant, stated he understands the easement. He prefers and requests that the road not be constructed until the parcel is platted.

Senior Planner Gladhill stated the road would not be constructed at this time; it is an easement for the road construction upon future development.

Motion by Vice Chairperson Van Scoy, seconded by Commissioner Brauer, to close the public hearing.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Brauer, Bauer, and Schiller. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

Vice Chairperson Van Scoy closed the public hearing at 8:26 p.m.

### **Commission Business**

Motion by Commissioner Brauer, seconded by Commissioner Schiller to adopt findings of fact favorable to the applicant.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Brauer, Schiller, and Bauer. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

Motion by Commissioner Brauer, seconded by Commissioner Schiller to adopt the resolution approving the Variance to platting requirements, contingent upon the sub-divider entering into a Development Agreement.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Brauer, Schiller, and Bauer. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

### **Case #3: Staff Update**

The Staff Update was noted.

### **Case #4: Zoning Bulletins**

Zoning Bulletins were noted.

### **COMMISSION/STAFF INPUT**

Motion by Vice Chairperson Van Scoy, seconded by Commissioner Brauer to recommend Staff review changing outdoor storage as a Conditional Use Permit to an Interim Use Permit.

### **Further Discussion**

Discussion ensued regarding the recommendation of Staff's review of the moving of outdoor storage from Conditional Use Permit to Interim Use Permit.

Motion withdrawn by Vice Chairperson Van Scoy, seconded by Commissioner Brauer.

## **ADJOURNMENT**

Motion by Vice Chairperson Van Scoy, seconded by Commissioner Brauer, to adjourn the meeting.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners, Brauer, Bauer, and Schiller. Voting No: None. Absent: Chairperson Levine and Commissioner Field.

The regular meeting of the Planning Commission adjourned at 8:34 p.m.

Respectfully submitted,

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Tim Gladhill  
Senior Planner

ATTEST:

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JoAnn Shaw  
Planning Division Secretary

**Regular Planning Commission**

**5. 1.**

**Meeting Date:** 06/07/2012

**By:** JoAnn Shaw, Community Development

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Information

Title:

Note the Following City Council Meeting Minutes:

City Council Meeting Minutes Dated March 13, 2012

City Council Meeting Minutes Dated March 24, 2012

City Council Meeting Minutes Dated April 10, 2012

City Council Meeting Minutes Dated April 24, 2012

City Council Meeting Minutes Dated May 8, 2012

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

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Attachments

[03.13.12 City Council](#)

[03.27.12 City Council](#)

[04.10.12 City Council](#)

[04.24.12 City Council](#)

[05.08.12 City Council](#)

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Form Review

**Inbox**  
Tim Gladhill

**Reviewed By**  
Tim Gladhill

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

The Ramsey City Council conducted a regular meeting on Tuesday, March 13, 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  
Public Works Director Brian Olson  
Economic Development/Marketing Director Aaron Backman  
City Clerk Jo Thieling  
Fire Chief Dean Kapler  
Finance Officer Diana Lund  
Senior Planner Timothy Gladhill  
Planning Intern Patrick Brama  
City Attorney William Goodrich  
Stacie Vilvang with Ehlers & Associates  
Paul Donna, Senior Vice President of Northland Securities

**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**

Mayor Ramsey and Fire Chief Kapler commended Zola Malamen for her years of volunteer service to the Ramsey Seniors Club, as well as other organizations. Mayor Ramsey presented Ms. Malamen with the resolution acknowledging her service. Zola Malamen thanked the City for this recognition. All responded with a round of applause.

**3. CITIZEN INPUT**

None.

#### 4. CONSENT AGENDA

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

- 4:01 Receive Cash & Investments for period Ending January 31, 2012
- 4:02 Receive Cash & Investments for Period Ending February 29, 2012
- 4:03 Receive January 2012 Financial Reports – General Fund and Enterprise Funds
- 4:04 Receive January 2012 Building Month End Activity Report
- 4:05 Note the following Commission and Board Meeting Minutes:
  - 1) Planning Commission Meeting Minutes dated February 2, 2012
  - 2) Environmental Policy Board Meeting Minutes dated February 6, 2012
  - 3) Economic Development Authority Meeting Minutes dated February 9, 2012
- 4:06 Adopt Resolution #12-03-XXX Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of February 24, 2012 through March 8, 2012
- 4:07 Adopt Resolution #12-03-XXX Recognizing and Commending Zola Malamen for Her Years of Voluntary Service
- 4:08 Adopt Resolution #12-03-XXX Supporting Local Implementation Capacity (LIC) Grant
- 4:09 Adopt Resolution #12-03-XXX Supporting Local Match for Minnesota DNR Trail Grant Application Along T.H. #47 and CSAH #83
- 4:10 Adopt Resolution #12-03-XXX Supporting the Multi-City Beyond the Yellow Ribbon Program
- 4:11 Adopt Resolution #12-03-XXX Supporting Application for Transit Improvement Area (TIA) Designation
- 4:12 Report from Public Works Committee Meeting dated February 21, 2012:
  - 1) Discuss Trail Easement at 15620 Krypton Street NW – *Ratify the recommendation of the Public Works Committee and leave the trail as it is until a trail easement is signed along the lot line to create a recreational trail which is either shared with the neighboring property or singular on this property. To include that the trail easement would be dedicated and acceptable to the City Engineer for recreational trail purposes.*
  - 2) Discuss Investigations Related to 2011 Flooding Concerns – *Ratify the recommendation of the Public Works Committee that the cases that are the highest priority will be brought to the Public Works Committee, two at a time, and staff will follow-up with the abatement coordinator about debris and brush in backyards along 148<sup>th</sup> Avenue.*
  - 3) Consider Entrance into a Statewide Mutual Aid Agreement - MnWARN – *Ratify the recommendation of the Public Works Committee and approve the Statewide Mutual Aid Agreement/MnWARN naming the City Administrator as the Authorizing Official.*
  - 4) Review City of Ramsey Snowplowing Policy and Possible Cost Reductions – *Ratify the recommendation of the Public Works Committee and approve Option 3, to continue to allow the Public Work Department to use its best judgment on deciding what course of action is best to improve safety and winter driving conditions for the traveling public based on snow type, amount, time of year, current temperature and expected weather conditions after the snow ends, and past experience.*

5) Consider 2012 Street Maintenance Program – *This item is being presented as a separate case on tonight’s agenda.*

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

## **5. APPROVE AGENDA**

Motion by Councilmember Wise, seconded by Councilmember Elvig, to approve the agenda as revised to Consider Case 7.04 prior to Case 7.01 and adding Item 7.06.5, Consider Report from Public Works Committee Meeting dated March 13, 2012.

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

## **6. PUBLIC HEARING**

### **6.01: Public Hearing and Adopt Resolution Approving the Issuance of General Obligation Capital Improvement Plan Bonds, Series 2012A**

Mayor Ramsey closed the regular portion of the City Council meeting at 7:11 p.m. in order to conduct a public hearing.

#### **Public Hearing**

Mayor Ramsey called the public hearing to order at 7:11 p.m.

#### **Presentation**

Finance Officer Lund reviewed the staff report.

Paul Donna, Senior Vice President of Northland Securities, stated the Council is considering issuing General Obligation Capital Improvement Plan Refunding Bonds to restructure the Municipal Center debt from its current interest rate of 4.44% to an expected rate of 2.5%, generating about \$400,000 in present value savings. This action is being considered at this time to take advantage of historic low interest rates.

#### **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 7:15 p.m.

### **Council Business**

Mayor Ramsey called the regular City Council meeting back to order at 7:15 p.m.

The City Council indicated staff has been monitoring interest rates for several years to determine the most advantageous time to refinance the City hall. It was acknowledged that this debt would be extended four years longer than the current term.

Motion by Councilmember Strommen, seconded by Councilmember Tossey, to Amend the 2012-2016 Capital Improvement Program (CIP).

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

Motion by Mayor Ramsey, seconded by Councilmember Backous, to Adopt Resolution #12-03-XXX Approving the Issuance of General Obligation Capital Improvement Plan Bonds.

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

## **7. COUNCIL BUSINESS**

### **7.04: Authorize Sale of Bonds for The Residence at The COR – Flaherty and Collins Apartment Project**

Stacie Vilvang, Ehlers & Associates, reviewed the staff report.

City Administrator Ulrich reported that Flaherty and Collins had deposited \$250,000 as a down payment on the property and the balance of \$500,000 will be paid at closing. He explained that if the proposed bond sale was not approved, the development agreement obligates the Council to determine some other means of financing.

The Council acknowledged the bond sale would result in the City borrowing money at a low interest rate and then providing mezzanine financing to the developer. The developer will also be responsible for paying all financing related costs, fees, and accrued interest.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to Adopt Resolution #12-03-XXX Authorizing Sale of Bonds for The Residence at The COR.

Further discussion: Councilmember Backous indicated that while he found it to be a beautiful project, he had been an opponent of this project because of the level of participation by the City; however, the majority of the Council decided to move the project forward so he would support the bond sale. Councilmember Strommen stated she was not able to support the level of City participation, intended to vote against the motion, but wished the project well. Councilmember

Tossey stated he also did not support this level of participation and this will be his last opposition to the project.

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

**7.01: Introduce Ordinance Establishing Boundary Lines for the City of Ramsey Ward System**

City Clerk Thieling reviewed the staff report.

Motion by Mayor Ramsey, seconded by Councilmember Tossey, to introduce Ordinance Establishing Boundary Lines for the City of Ramsey Ward System.

Further discussion: City Clerk Thieling advised staff continues to work on the precinct boundary lines and it will be presented, once completed. Notice will be sent to residents in June of 2012 to alert of polling locations and also posted on the City's website. Mayor Ramsey announced a new senate district will be created in the Ward 1 Precinct through this redistricting.

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

**7.02: Request for an Interim Use Permit for an Online School at 7550 Highway 10 NW; Case of 2-OI, LLC**

Senior Planner Gladhill reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Backous, to Adopt Findings of Fact relating to the request for an Interim Use Permit to allow for the operation of an online school in the B-2 Business District.

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

Senior Planner Gladhill requested the City Council also provide direction on whether the City Council supported moving forward with a Comprehensive Plan amendment.

Following a brief discussion, Council consensus was reached that it was not urgent to amend the Comprehensive Plan and delayed that consideration for a year or two.

Motion by Councilmember McGlone, seconded by Councilmember Backous, to Adopt Resolution #12-03-XXX Approving the Request for an Interim Use Permit for a term of Five (5) Years or until the Property is Rezoned to Public/Quasi Public, whichever occurs first, and Declaring the Terms as Proposed, and not moving forward with a Comprehensive Plan amendment at this time.

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

**7.03: Consider Accepting Public Road Right-of-Way in Lieu of Application and Escrow Fees Related to a Potential Minor Plat; Case of City of Ramsey**

Senior Planner Gladhill reviewed the staff report.

Public Works Director Olson answered questions of the City Council relating to the process to acquire right-of-way during the platting process and to consider surrounding properties when a development occurs to determine whether traffic can be taken from larger County roads and limit ingress/egress onto County roadways.

Motion by Councilmember Elvig, seconded by Councilmember McGlone, to accept a dedicated right-of-way corridor in lieu of application and escrow fees for a minor plat contingent upon the owner of L9 B4 Alpine Woods dedicating a sixty (60) foot wide right-of-way corridor across the southern portion of Outlot B Alpine Woods.

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

**7.04: Authorize Sale of Bonds for The Residence at The COR – Flaherty and Collins Apartment Project**

This item was considered prior to Item 7.01.

**7.05: Introduce Ordinance for Imposing Lodging Tax and Allowing for Membership in Convention & Visitors Bureau (CVB)**

Economic Development/Marketing Director Backman reviewed the staff report and recommended several modifications to the ordinance.

Councilmembers McGlone, Tossey, and Mayor Ramsey stated their intention to vote against introduction of this ordinance since it results in imposing a form of tax.

Mayor Ramsey asked staff to provide the City Council with a copy of the State Statute that enacted this program.

Councilmember Backous stated that while he does not support imposing a lodging tax fundamentally, intended to support ordinance introduction as a practical effort since it is being requested by the hotel owner, will make the hotel more competitive, and will not cost the City to administer.

Motion by Councilmember Backous, seconded by Councilmember Strommen to Introduce Ordinance Imposing a Lodging Tax and Allowing for Membership in the Twin Cities Gateway Convention & Visitors Bureau (CVB), as revised.

Further discussion: Councilmember Strommen stated her intention to support the motion since membership is a tool to shore up the City's competitiveness and make businesses more viable through additional marketing. The Council agreed that in an ideal situation the hotels could freely join; however, that is not the system provided under Statute. Councilmember Wise stated he will support the ordinance because if another hotel comes to Ramsey and does not support this organization the City can opt out within six months. Mayor Ramsey and Councilmember Tossey stated their intention to vote against introduction and expressed frustration with the Legislature's support of this method of taxation.

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

#### **7.06: Consider 2012 Street Maintenance Program**

City Engineer Himmer reviewed the staff report.

The Council noted this program had been vetted and recommended by the Public Works Committee.

Motion by Councilmember Elvig, seconded by Mayor Ramsey to direct staff to move forward with the 2012 SMP by concentrating efforts on a sealcoat only program, including the elimination of assessments.

Further discussion: The Council acknowledged the bigger issue of funding street maintenance remains to be addressed.

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

#### **7.06.5: Consider Report from Personnel Committee Meeting dated March 13, 2012:**

- 1) Consider Resolution to Accept the Resignation of Deputy City Administrator/Community Development Director and Direct Staff to Prepare a Plan to Address the Job Duties Left Vacant**
- 2) Consider a Resolution to Offer a Voluntary Early Separation Package**
- 3) Consider a Resolution to Appoint Board and Commission Members**
- 4) Consider a Resolution to Accept the Resignation of Economic Development/Marketing Manager and Direct Staff to Prepare a Plan to Address Job Duties Left Vacant**

Councilmember Tossey presented the Personnel Committee Report and advised that he was elected Chair and Sarah Strommen was elected Vice Chair.

Motion by Councilmember Tossey, seconded by Councilmember Strommen, to Ratify the recommendation of the Personnel Committee and Adopt Resolution #12-03-XXX To Accept the

Resignation of the Deputy City Administrator/Community Development Director and to Direct Staff to Prepare a Plan to Address Job Duties Left Vacant; Adopt Resolution #12-03-XXX to Offer a Voluntary Early Separation Program; Adopt Resolution #12-03-XXX Appointing Board and Commission Members; and, Adopt Resolution #12-03-XXX to Accept the Resignation of the Economic Development and Marketing Manager and Direct Staff to Prepare a Plan to Address Job Duties Left Vacant.

Further discussion: The Council acknowledged this recommendation is being considered tonight due to two resignations on staff and the need to move forward to develop a transition plan and assure continued economic development. The Council thanked all who made application for committee appointment and urged them to reapply in the future if not appointed at this time.

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

**7.07: Update on Property Acquisitions Related to the Riverdale Drive Road Extension to Traprock Street – (portions of this case were closed to the public)**

City Engineer Himmer presented the staff report and answered the Council's questions related to the reconfigured road alignment in front of The Diamonds required to prove benefit and eligibility for Mn/DOT funds and meet MSA standards.

City Attorney Goodrich advised that under Minnesota Statutes 13.D.05, 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 property acquisitions for the Riverdale Drive roadway extension to Traprock Street project. The closed session will be tape recorded and that tape will be maintained for a period of eight years.

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

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

The City Council meeting moved into a closed session at 8:17 p.m.

The City Council meeting reconvened in open session at 8:33 p.m.

City Attorney Goodrich reported the Council held discussion during closed session related to acquisition, reached no decision, and gave direction to staff to undertake further negotiations. This item will come back to the City Council at a future meeting.

Public Works Director Olson commented on the potential impact to future grant opportunities.

**7.08: Discuss Property Acquisition Related to Realignment of Sunwood Drive – (portions of this case were closed to the public)**

Councilmember Wise recused himself at 8:39 p.m. due to a potential conflict of interest.

City Engineer Himmer reviewed the staff report.

City Attorney Goodrich advised that under Minnesota Statutes 13D.05, 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 property acquisitions for the realignment of Sunwood Drive and Armstrong Boulevard/TH 10 grade separated interchange. The closed session will be tape recorded and that tape will be maintained for a period of eight years.

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, and Tossey. Voting No: None. Absent: Councilmember Wise.

The City Council meeting moved into a closed session at 8:45 p.m.

The City Council meeting reconvened in open session at 9:08 p.m.

City Attorney Goodrich reported the Council held discussion during closed session related to acquisition, reached no decision, and gave direction to staff to undertake further negotiations. This item will come back to the City Council at a future meeting.

Councilmember Wise returned to the meeting at 9:09 p.m.

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

City Administrator Ulrich announced upcoming meetings and events.

The City Council briefly discussed Ramsey-related bills under consideration by the Legislature.

**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 9:11 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.*

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    7.05: Update on Property Acquisition Related to the Sunwood Drive Realignment Project (IP #12-20) – Portions of this Case may be Closed to the Public..... 7

8. MAYOR, COUNCIL AND STAFF INPUT ..... 7

9. ADJOURNMENT ..... 8

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

The Ramsey City Council conducted a regular meeting on Tuesday, March 27, 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 (arrived at 7:10 p.m.)

Members Absent: None

Also Present: City Administrator Kurtis Ulrich  
Deputy City Administrator Heidi A. Nelson  
Public Works Director Brian Olson  
City Engineer Tim Himmer  
City Clerk Jo Ann M. Thieling  
Senior Planner Timothy Gladhill  
Administrative Intern Patrick Brama  
City Attorney William Goodrich

**1. CALL TO ORDER**

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:03 p.m., followed by the Pledge of Allegiance led by Mayor Ramsey.

**2. PRESENTATION**

None.

**3. CITIZEN INPUT**

None.

**4. CONSENT AGENDA**

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

- 4.01: Approve the following Meeting Minutes:
- 1) City Council Work Session – January 24, 2012
  - 2) City Council Regular Session – January 24, 2012
  - 3) City Council Special Session – February 6, 2012
  - 4) City Council Work Session – February 14, 2012
  - 5) City Council Regular Session – February 14, 2012
- 4.02: Approve License Applications:
- Special Events
- Northgate Church, 7250 E. Ramsey Parkway, Ramsey, MN 55303  
American Cancer – Bark for Life, The Draw Park, Ramsey, MN 55303
- 4.03: Appoint City Administrator to Quad Cities Cable Communications Commission
- 4.04: Award Bid for 2012 Street Sweeping Contract
- 4.05: Adopt Resolution #12-03-XXX Authorizing Partial Payment to Knutson Construction for IP 10-22 Municipal Park Ramp, Phase II
- 4.06: Adopt Resolution 12-03-XXX Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of March 9, 2012 through March 22, 2012
- 4.07: Report from Finance Committee Meeting of March 13, 2012:
- 1) Appointment of a Chair and Vice Chair for the Finance Committee – *Informational; no action required.*
  - 2) Credit Card Analysis – *Ratify the recommendation of the Finance Committee to begin charging a \$2.00 per transaction fee for on-line usage to help offset the 3.05% rate.*

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

## **5. APPROVE AGENDA**

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

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

## **6. PUBLIC HEARING**

### **6.01: Public Hearing to Adopt Ordinance Establishing Boundary Lines for the City of Ramsey Ward System**

Mayor Ramsey closed the regular portion of the City Council meeting at 7:04 p.m. in order to conduct a public hearing.

### **Public Hearing**

Mayor Ramsey called the public hearing to order at 7:04 p.m.

**Presentation**

City Clerk Thieling reviewed the staff report and answered questions of the Council relating to the shift in population from Ward 1 to Ward 2.

**Citizen Input**

There was none.

Motion by Councilmember McGlone, seconded by Councilmember Tossey, to close the public hearing.

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

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 Mayor Ramsey, seconded by Councilmember McGlone, to waive the City Charter requirement to read the Ordinance aloud and adopt Ordinance #12-XX Establishing Boundary Lines for the City of Ramsey Ward System.

A roll call vote was performed by the Recording Secretary:

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

Motion carried.

**7. COUNCIL BUSINESS**

**7.01: Consider Resolution Establishing Precinct Boundary Lines and Polling Places for the City of Ramey**

City Clerk Thieling reviewed the staff report and answered questions of the Council relating to the location of polling places.

Councilmember Wise arrived at 7:10 p.m.

The Council discussed the recommended precinct locations and asked questions of City Clerk Thieling who advised that more than one precinct can be accommodated within one polling location. The Council acknowledged the benefit of assuring longevity of polling locations to assure voters are not confused about the proper location or discouraged from voting.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to adopt Resolution #12-03-XXX Establishing Precinct Boundary Lines and Polling Places for the City of Ramsey.

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

Mayor Ramsey recognized students in the audience and invited both to introduce themselves. Anoka High School students Abby Backous and Amy Jeffrey introduced themselves and indicated they are in attendance as part of a government class.

## **7.02: Consider Policy for the Sale of City Owned Lands**

Administrative Intern Brama reviewed the staff report and requested feedback on sufficiency of notification and general direction on marketing properties for sale.

City Attorney Goodrich advised of three potential properties the City could be successful in negotiating for release of park dedication requirement and obtain title. The intent is to obtain agreement to voluntarily remove the park dedication restriction, market the properties as defined by Administrative Intern Brama, and the City retain sale proceeds. If a sale is approved, it would require adoption of an ordinance.

The Council discussed the need for a written policy defining the rationale under which the Council may decide to sell publicly-owned property and the process that would be implemented to carry out that decision. It was noted the documentation created during the Council's study over the past year has laid the groundwork for a policy; however, it was not drafted as a formal policy.

City Administrator Ulrich agreed those items have been laid out and can be compiled into a written policy to clearly indicate under what cases the Council will consider sale of publicly-owned land.

Motion by Councilmember McGlone, seconded by Councilmember Strommen, to postpone consideration to the next meeting to allow time for staff to draft a formal policy and procedure for sale of City-owned lands.

Further discussion: Bryan Lerdall, 7030 171<sup>st</sup> Avenue NW, stated his opinion that additional study was needed before determining Peltzer Park was underutilized and intent to make additional comment at the next meeting. The Council discussed which process would best delineate the rationale for selling publicly-owned land. Staff was asked to provide a

recommendation on the best process, whether an ordinance, resolution, or finding of fact document. The Council also asked staff to include a finding requiring to the need to show an overall improvement to the park system.

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

**7.03: Adopt Ordinance for Imposing Lodging Tax and Allowing for Membership in Convention & Visitors Bureau (CVB)**

Deputy Administrator Nelson reviewed the staff report and recommended action to postpone indefinitely because Twin Cities Gateway is currently holding discussion about its geographic boundaries.

Motion by Councilmember Elvig, seconded by Councilmember Wise, to postpone indefinitely consideration of an Ordinance Imposing a Lodging Tax and Permitted Membership in the Convention and visitors Bureau (CVB).

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

**7.04: Consider the Adoption of an Ordinance Authorizing the City of Ramsey to Convey its Interest in a Property (Lot 1, Block 1, Ramsey Town Center Fifth Addition)**

Deputy Administrator Nelson reviewed the staff report.

Motion by Mayor Ramsey, seconded by Councilmember McGlone, to waive the City Charter requirement to read the Ordinance aloud and adopt Ordinance #12-XX Authorizing the City of Ramsey to Convey a Part of Lot 1, Block 1, Ramsey Town Center Fifth Addition, Anoka County, Minnesota to the Housing and Redevelopment Authority in and for the City of Ramsey, Minnesota, the exact legal description as shown in the proposed ordinance

Further discussion: Mayor Ramsey indicated the City will convey the property to the HRA and in turn, the property will be sold to Flaherty and Collins for \$750,000. It was noted a special meeting had been held on Friday, March 23, 2012, for ordinance introduction.

A roll call vote was performed by the Recording Secretary:

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

Motion carried.

**7.05: Update on Property Acquisition Related to the Sunwood Drive Realignment Project (IP #12-20) – Portions of this Case may be Closed to the Public**

Councilmember Wise declared a conflict of interest and left the meeting at 7:48 p.m.

City Engineer Himmer reviewed the staff report.

City Attorney Goodrich advised that under Minnesota Statutes, Section 13D.05, Subd.3(c), 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 property acquisitions for PIDs #29-32-25-11-008 Billmark Electric and PID #29-32-25-0011 vacant parcel owned by National Growth. The closed session will be tape recorded and that tape will be maintained for a period of eight years.

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

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

The City Council meeting moved into a closed session at 7:52 p.m.

The City Council reconvened in open session at 8:26 p.m.

City Attorney Goodrich stated the Council held discussion and no final decision was reached except to direct staff to negotiate a purchase agreement for the purchase of property.

City Attorney Goodrich read the resolution in full.

Motion by Mayor Ramsey, seconded by McGlone, to adopt Resolution #2012-03-XXX Authorizing Acquisition of Permanent Street and Utility Easements Necessary for the Sunwood Drive Realignment Project.

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

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

Councilmember Wise returned to the meeting at 8:34 p.m.

Mayor Ramsey announced upcoming events.

City Administrator Ulrich provided an update on pending legislation and announced upcoming meetings.

Public Works Director Olson provided an update on road construction projects.

The Council considered the most efficient use of QCTV coverage to present event highlights rather than only a recap of the previous Council meeting.

**9. ADJOURNMENT**

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

Motion carried.

The regular meeting of the City Council adjourned at 8:46 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.*

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

The Ramsey City Council conducted a regular meeting on Tuesday, April 10, 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 (arrived at 7:19 p.m.)  
Councilmember Jeffrey Wise

Members Absent: None.

Also Present: City Administrator Kurtis Ulrich  
Deputy City Administrator Heidi A. Nelson  
Public Works Director Brian Olson  
Human Resources Representative Lasher  
Parks Supervisor Mark Riverblood  
Senior Planner Timothy Gladhill  
Planning 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**

Merlin Hunt, 17860 Nowthen Boulevard NW, voiced his objection to imposing a franchise fee when no benefit is gained. He stated he pays a quarterly fee for street lights but there is not a street light within a quarter mile in either direction of his property and also pays a storm water drainage fee yet the ditches are not kept clean and his property provides drainage for other areas. With regard to the Council's current discussion of a franchise fee to fund road projects, he thought a special assessment was more appropriate because a property benefitting from a new

road should pay some contribution. In addition, he cannot deduct franchise fees from his taxes but can deduct property tax. Mr. Hunt urged the Council not consider a franchise fee that does not benefit the property owner.

John Enstrom, 8702 181<sup>st</sup> Avenue NW, stated he lives on a County road and has drainage easements through his property but is assessed a drainage fee. He noted the south side of 181<sup>st</sup> Avenue is in Ramsey and the north side is in Nowthen. Mr. Enstrom asked whether Nowthen residents contribute towards the street light fee or just receive the benefit, noting that cost should be shared.

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

Motion by Councilmember Backous, seconded by Councilmember Wise, to approve the following items on the Consent Agenda as amended to remove Item 4.08:

- 4.01: Accept Resident Petition to Consider the Installation of Stop Signs and an In-Street Pedestrian Crossing Sign Near 150<sup>th</sup> Lane NW and Ute Street NW
- 4.02: Approve Licenses:
  - Temporary On-Sale Liquor License
  - Church of St Katharine Drexel, 7101 143<sup>rd</sup> Avenue NW ~ Suite G
- 4.03: Approve One-Year Extension of Legal Contract with Randall and Goodrich, P.L.C.
- 4.04: Approve Contractor for Abatement Mowing Services
- 4.05: Adopt Resolution #12-04-046 Approving Cash Disbursements Made and Authorizing Payment of Account Payable Invoicing Received During the Period of March 23, 2012, through April 5, 2012
- 4.06: Adopt Resolution #12-04-047 Proclaiming April 27, 2012, as “Arbor Day” and the Month of May as “Arbor Month”
- 4.07: Adopt Resolution #12-04-048 Appointing City Administrator to Executive Change Control Board – Northstar Ramsey Rail Station
- ~~4.08: Adopt Resolution Revising the City’s Vacation Donation Policy~~ This item postponed to May 8, 2012, to facilitate review by the Personnel Committee
- 4.09: Report from Public Works Committee – Meeting Dated March 20, 2012
  - 1) Consider Storm Sewer Improvements on Sodium Street – A Continuation of Discussions Related to 2011 Flooding Concerns – *Ratify the recommendation of the Public Works Committee to include the proposed drainage enhancement near 16756 Sodium Street (installing a culvert under Sodium Street, regrading the west ditch of Sodium Street, constructing a berm to keep the water in the ditch, and replacing the existing driveway culvert. The ditch would be graded to drain to the south and a culvert would be installed near the south property line to drain the water to the west.) in the 2012 construction season, and perform the work before implementing the Street Maintenance Program (sealcoating)*
  - 2) Consider Storm Sewer Improvements on 163<sup>rd</sup> Lane – A Continuation of Discussions Related to 2011 Flooding Concerns – *Ratify the recommendation of the Public Works Committee to direct staff to implement the proposed drainage enhancements, and to include this work with the previously approved storm sewer projects for completion in 2012.*

- 3) Consider Revisions to the City's Minnesota State Aid (MSA) Street System – *Ratify the recommendation of the Public Works Committee and approve the staff proposed MSA street system revisions and Adopt Resolution #12-04-049 Amending the Municipal State Aid Street System.*
  - 4) Consider Project Scope for Phase 2 of the Alpine Drive Overlay Project – *Ratify the recommendation of the Public Works Committee and eliminate the alternative road base technologies on this project, but rather include that investigation and analysis with the future Riverdale Drive/MRT project, and to include Segment 1 as an add alternative within the scope of the 2012 Alpine Drive overlay.*
- 4.10: Report from the Personnel Committee – Meeting Dated April 3, 2012
- 1) Consider a Resolution to Accept the Resignation of a Part-time Police Technician – *Ratify the recommendation of the Personnel Committee and Adopt Resolution #12-04-050 Accepting the Resignation of a Part-Time Police Technician*
  - 2) Consider a Resolution to Authorize a Recruitment for a Management Analyst – *Informational; this item will be considered on the regular agenda as item 7.01.*

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

## **5. APPROVE AGENDA**

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

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

## **6. PUBLIC HEARING**

None.

## **7. COUNCIL BUSINESS**

### **7.01: Consider Resolution #12-04-XXX to Authorize a Recruitment for a Management Analyst**

Human Resources Representative Lasher reviewed the staff report.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to adopt Resolution #12-04-051 to Authorize a Recruitment for a Management Analyst.

Further discussion: Councilmember Strommen stated her intention to not support the motion, not because of the current Planning Intern or being opposed to this position in the future, but because two key economic development positions vacated and she has concerns with how to fill those duties. The Council discussed the motion, noting City Administrator Ulrich had

recommended approval and if things change in the future, the Council can debate whether the economic development positions should be filled.

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

Councilmember Tossey arrived at 7:19 p.m.

Mayor Ramsey announced this is the last Council meeting for Deputy Administrator Nelson who was hired as the Wayzata City Manager. He thanked Ms. Nelson for her great service to the City of Ramsey.

Deputy City Administrator Nelson thanked the Council, businesses, and residents for their support and opportunity to serve the City, stating it had been a great opportunity.

City Administrator Ulrich thanked Deputy City Administrator Nelson and stated Ms. Nelson has done a superb job, been a splendid member of staff, and left Ramsey a better place.

#### **7.02: Introduce Ordinance Amending the City Code Relating to Noise Nuisance / Sound Levels**

City Attorney Goodrich reviewed the staff report.

The Council discussed its concern relating to the low threshold of noise the ordinance would establish as a violation.

City Attorney Goodrich stated if the Council has questions, he would recommend consideration be tabled so Police Chief Way can provide answers.

Motion by Mayor Ramsey, seconded by Councilmember Tossey, to table consideration of an Ordinance amending City Code §30-3 Property Conditions Constituting a Public Nuisance (32)a. Relating to Sound Levels to a Work Session for further discussion.

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

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

The Council announced today's ground breaking of The Residents at The COR and the train station.

City Administrator Ulrich announced upcoming meetings and events.

Mayor Ramsey announced the Mayor's Town Hall meeting will be rescheduled to the third Thursday of the month, 7 p.m., in the Itasca Room.

**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 7:32 p.m.

Respectfully submitted,

---

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.*

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7. COUNCIL BUSINESS..... 4

    7.01: Authorization of and Adopt Resolution #12-04-XXX Accepting Proposal on Sale of \$7,420,000 Taxable General Obligation Tax Increment Bonds, Series 2012B, Providing for their Issuance, Pledging Tax Increments for the Security Thereof and Authorizing Execution of Pledge Agreement..... 4

    7.02: Adopt Resolution #12-04-XXX Supporting a Tax Credit Application for a Fifty Unit Work Force Housing Multi-Family Project and Consider Development Agreement with Podawiltz..... 5

    7.03: Consider Cost Contribution for Transportation for Economic Development (TED) Grant Application for the Armstrong Boulevard Interchange and Adopt Resolution #12-04-XXX Requesting Congressional Support for an Armstrong Boulevard Interchange Improvement ..... 6

    7.04: Update on Required Land Acquisition for the Sunwood Drive Realignment Project (Portions of this discussion were closed to the public)..... 6

8. MAYOR, COUNCIL AND STAFF INPUT ..... 7

9. ADJOURNMENT ..... 7

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

The Ramsey City Council conducted a regular meeting on Tuesday, April 24, 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  
Public Works Director Brian Olson  
City Engineer Tim Himmer  
Fire Chief Dean Kapler  
Finance Officer Diane Lund  
Senior Planner Timothy Gladhill  
Planning 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**

**2.01: Presentation of Certificate of Achievement in Financial Reporting**

Robin Roland, State Representative, representing the Government Finance Officers Association congratulated the City and presented the Certificate of Achievement in Financial Reporting. Mayor Ramsey, City Administrator Ulrich, and Finance Officer Lund accepted the plaque on the City's behalf.

Finance Officer Lund thanked the City's finance staff for their contribution towards this award.

Mayor Ramsey extended the Council's appreciation to Finance Officer Lund and the City's financial staff.

City Administrator Ulrich noted Finance Officer Lund has been with Ramsey for 17 years, and this recognition had been received consecutively for the past 17 years.

### **3. CITIZEN INPUT**

Jim Bendtsen, 14131 Junkite Street NW, stated his opposition to instituting a 3% lodging fee for the Convention Visitor's Bureau, believing it to be a tax.

Randy Kleinman, 16931 Yttrium Street NW, presented a petition containing 65 signatures supporting amendment of City Code, Chapter 10, regulating domestic animals on property less than three acres. He requested the Council expedite this issue and stated there is significant resident support.

Senior Planner Gladhill indicated it is staff's intent to bring forward an ordinance on May 8, 2012, to start that discussion.

### **4. CONSENT AGENDA**

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

- 4.01: Receive Cash & Investments for Period Ending March 31, 2012
- 4.02: Receive Ramsey Fire Department Year End Report for 2011
- 4.03: Note the following Boards and Commissions Meeting Minutes:
  - 1) Planning Commission Meeting Minutes Dated March 1, 2012
  - 2) Environmental Policy Board Meeting Minutes Dated March 5, 2012
  - 3) Economic Development Authority Meeting Minutes Dated March 8, 2012
- 4.04: Approve the following City Council Meeting Minutes:
  - 1) City Council Work Session – February 21, 2012
  - 2) City Council Special Session – February 21, 2012
  - 3) City Council Work Session – February 28, 2012
  - 4) City Council Regular Session – February 28, 2012
- 4.05: Approve Grading and Topsoil for North Commons
- 4.06: Adopt Policy: Post-Issuance Compliance Policies and Procedures
- 4.07: Adopt Resolution #12-04-052 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of April 6, 2012 Through April 18, 2012
- 4.08: Adopt Resolution #12-04-053 Authorizing Partial Payment to Knutson Construction for IP 10-22 Municipal Parking Ramp, Phase II

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 presented.

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

## **6. PUBLIC HEARING**

None.

## **7. COUNCIL BUSINESS**

### **7.01: Authorization of and Adopt Resolution #12-04-XXX Accepting Proposal on Sale of \$7,420,000 Taxable General Obligation Tax Increment Bonds, Series 2012B, Providing for their Issuance, Pledging Tax Increments for the Security Thereof and Authorizing Execution of Pledge Agreement**

Finance Officer Lund reviewed the staff report.

Stacie Kvilvang, Ehlers & Associates, presented the rationale used by Standard & Poors to uphold Ramsey's AAA rating. Ms. Kvilvang advised that extremely good rates were received and recommended awarding to Northland Securities, the low bidder, in the amount of \$7.320 million at 2.4568%.

Councilmember Backous asked the record to reflect that his affirmative vote was to approve the funding mechanism but he had not changed mind about not supporting this project.

Finance Officer Lund indicated the bonds will be backed by rents and tax increment generated by the project.

Ms. Kvilvang advised the development agreement requires Flaherty & Collins to pay 100% for bond costs and will be charged a higher interest than the City will pay on the bonds. It is hoped that once constructed, permanent financing will be obtained and the bonds will be paid off.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to adopt Resolution #12-04-054 Accepting Proposal on Sale of \$7,320,000 Taxable General Obligation Tax Increment Bonds, Series 2012B, Providing for their Issuance, Pledging Tax Increments for the Security Thereof and Authorizing Execution of Pledge Agreement.

Victor Ruzynski, 17129 Potassium Street NW, asked if there will be prevailing wage with this project.

City Engineer Himmer stated this involves a private contractor.

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

**7.02: Adopt Resolution #12-04-XXX Supporting a Tax Credit Application for a Fifty Unit Work Force Housing Multi-Family Project and Consider Development Agreement with Podawiltz**

Senior Planner Gladhill reviewed the staff report.

The Council discussed the proposal and asked questions of staff about the process should the Council decided to not move forward.

Mike Podawiltz, Podawiltz Development Corporation, stated he understands the risk and would prefer an agreement with the City on the \$15,000 so the project can move forward without ambiguity.

Senior Planner Gladhill explained the development agreement under consideration only addresses the funding mechanism and a standard development agreement addressing utility requirements, platting, and subdivision will be presented at a future meeting. Senior Planner Gladhill stated he would retitle this document to eliminate confusion with the standard development agreement.

Mr. Podawiltz presented the Town Center Gardens Third Addition, a proposed 50-unit 3-story workforce townhome project.

Motion by Councilmember Elvig, seconded by Councilmember Wise, to adopt Resolution #12-04-055 Supporting a Tax Credit Application for a Fifty Unit Work Force Housing Multi-Family Project, and initial development agreement with both being subject to review by the City Attorney as to legal form and correction of typos.

Further discussion: Councilmember Tossey stated his intention to vote in support of the motion; however, would vote against final approval should City staff end up being responsible for the “lion’s share” of the application and grant work. Senior Planner Gladhill indicated the City is the overall applicant so some staff time will be required for coordination but Mr. Podawiltz will complete a majority of the application. The Council discussed the proposed private-entity project that would leverage a small amount of public subsidy with the government entity serving as a grant conduit. The Council determined there was a clear public benefit should the HRA donate the land because the project would include road construction and pay full real estate taxes; however, enhanced architectural standards were expected in return for the donating the land. The Council debated whether a policy should be established relating to vetting of projects and establishment of standards. City Administrator Ulrich pointed out that ultimately the creation of a policy to promote housing is an HRA issue and will be placed on an upcoming HRA agenda.

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

**7.03: Consider Cost Contribution for Transportation for Economic Development (TED) Grant Application for the Armstrong Boulevard Interchange and Adopt Resolution #12-04-XXX Requesting Congressional Support for an Armstrong Boulevard Interchange Improvement**

Public Works Director Olson reviewed the staff report.

The Council discussed the draft Joint Powers Agreement (JPA) and asked questions of staff relating to the City's financial obligation under the stated terms. City Administrator Ulrich stated it would be appropriate to add "not to exceed" language.

Public Works Olson advised of potential sources for funding and indicated the City will know by September (term of the JPA) whether its grant applications were successful.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to approve the Joint Powers Agreement with the Anoka County Highway Department, as amended to add a \$13 million cap on the City's obligation, and adopt Resolution #12-04-056 Requesting Congressional Support for an Armstrong Boulevard Interchange Improvement, as corrected.

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

**7.04: Update on Required Land Acquisition for the Sunwood Drive Realignment Project (Portions of this discussion were closed to the public)**

Councilmember Wise recused himself due to a potential conflict of interest and left the Council Chambers at 8:13 p.m.

City Engineer Himmer reviewed the staff report.

City Attorney Goodrich advised that under Minnesota Statutes, the meeting can move into closed session to discuss property acquisition. He indicated closed session discussion will relate to purchasing easements at 14700 Armstrong Boulevard NW. The closed session will be tape recorded and that tape will be maintained for a period of eight years.

Motion by Councilmember McGlone, seconded by Mayor Ramsey, to move to closed session to discuss acquisition negotiations.

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

The City Council meeting moved into a closed session at 8:18 p.m.

The City Council meeting reconvened in open session at 8:35 p.m.

City Attorney Goodrich reported that during the closed session the Council held discussion on a purchase agreement with Arnie and Judith Billmark for permanent street, utility and trail easements as well as temporary easements on property located at 14700 Armstrong Boulevard NW to accommodate Armstrong Boulevard improvements. Council consensus was reached to enter into a purchase agreement for \$44,255 and to provide certain improvements dealing with connection to the sewer service.

Motion by Councilmember McGlone, seconded by Councilmember Tossey, to accept the purchase agreement terms, as revised, for the acquisition of required easements on the Billmark property as well as proposed plan changes to eliminate impacts to the National Growth property, subject to review by the City Attorney as to legal form and correction of typos.

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

Councilmember Wise returned to the meeting at 8:37 p.m.

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

City Administrator Ulrich announced upcoming meetings and events. He reported that Public Works Director Olson has accepted a position with the City of Edina and his last day will be May 15, 2012. City Administrator Ulrich provided an update on cable broadcasting Council updates via a news-type format.

Mayor Ramsey announced the May 8, 2012, ribbon cutting of the Mississippi River boat launch and welcomed all to attend.

## **9. ADJOURNMENT**

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

Motion carried.

The regular meeting of the City Council adjourned at 8:42 p.m.

Respectfully submitted,

---

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.*

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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 – 181<sup>st</sup> 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 173<sup>rd</sup> 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 – 147<sup>th</sup> 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 – 147<sup>th</sup> 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 – 147<sup>th</sup> 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:

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Jo Ann M. Thieling  
City Clerk

Drafted by Carla Wirth  
*TimeSaver Off Site Secretarial, Inc.*

**Regular Planning Commission**

**6. 1.**

**Meeting Date:** 06/07/2012

**By:** Chris Anderson, Community  
Development

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Information

**Title:**

**PUBLIC HEARING:** 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 Suite 160; Case of Freedom Christian Church

**Background:**

The City has received an application from Freedom Christian Church to renew an Interim Use Permit for the operation of church facility in an area zoned H-1 Highway 10 Business District. The temporary church facility is in a multi-tenant building located at 6937 Hwy 10. The Applicant is currently operating at this site with a three (3) year interim use permit that is set to expire at the end of June, 2012.

**Notification:**

In accordance with State Statute and City Code, Staff attempted to notify all property owners within 350 feet of the Subject Property of the Public Hearing via Standard US Mail. A Notice of Public Hearing was also published in the Anoka County Union.

**Observations:**

The Applicant is utilizing 5,500 square feet of the building located at 6937 Hwy 10 for a worship area as well as for offices, classrooms, lunchroom and bathrooms. The Applicant's original proposal in 2009 stated that they hoped to grow to about 150 members at this location and would then begin actively looking for a property in Ramsey to construct a permanent facility. The Applicant has stated that presently, membership hasn't grown as desired and is still at about seventy-five (75) people for their larger service (Sunday morning).

The property is located in the H-1 Highway 10 Business Zoning District, which does not expressly permit churches or other places of worship. The H-1 Highway 10 Business Zoning District does allow for offices as a permitted use. The Applicant is requesting the interim use permit for the full five (5) years permitted by City Code.

The activities offered by the Applicant mainly occur on Sundays, with a service in the morning and a service in the evening. There is also some evening activities, most notably a weekly bible study on Wednesday evenings with attendances typically ranging between fifteen (15) and thirty (30) people. There are two existing tenants in the building, Fastenal and B & B Carpet, both of which are closed on Sundays. Thus, the use appears to be compatible with the surrounding area and the additional activities do not appear to conflict with the existing businesses.

As part of the 2009 Interim Use Permit, the parking lot was re-striped to provide 110 parking stalls, including four (4) handicap spaces. As previously noted, the Sunday morning service, which is the most attended, has a combined attendance of about seventy-five (75) people and the hope is that that number will grow to about 150 people. Under City Code, places of assembly require a parking space for every three seats. Therefore, a total of fifty (50) parking stalls would need to be provided to meet the built out requirement for 150 people. There appears to be sufficient parking to accommodate both the church operation as well as the other building tenants.

Due to the fact that the property is on Highway 10, Staff did forward the request to MnDOT for review. MnDOT has stated that they have no concerns related to this request.

**Funding Source:**

The Applicant is responsible for all City costs incurred in administering and enforcing this Permit.

**Staff Recommendation:**

The Applicant has been operating at this site now for approximately three (3) years and there have not been any issues/concerns raised by any of the other tenants or related to parking. Therefore, staff recommends approving the interim use permit for a term of five (5) years.

**Committee Action:**

Motion to recommend that City Council adopt Resolution # \_\_\_\_\_ adopting Findings of Fact relating to the request for an Interim Use Permit.

-and-

Motion to recommend that City Council adopt Resolution # \_\_\_\_\_ approving the request for an Interim Use Permit and declaring the terms as proposed.

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**Attachments**

Site Location Map

Applicant Summary of Use Submitted in 2009

Aerial View of Site

Proposed Findings of Fact

Proposed Interim Use Permit

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Tim Gladhill	Tim Gladhill	05/31/2012 10:21 AM
Chris Anderson (Originator)	Chris Anderson	05/31/2012 10:28 AM
Tim Gladhill	Tim Gladhill	05/31/2012 10:33 AM
Form Started By: Chris Anderson		Started On: 05/29/2012 09:56 AM
	Final Approval Date: 05/31/2012	



# Interim Use Permit Application

Attachment B

To: The City of Ramsey

3/4/09

## Request

Freedom Christian Center International (FCCI) desires to lease the property at 6937 Hwy 10, Suite 160 in Ramsey for its temporary church home. We pledge our cooperation in meeting all necessary city and state requirements and we earnestly desire the favor of the City of Ramsey so that this new home might become a reality! I am sure you are aware of the advantages of having established churches in Ramsey. One of which is the nearby availability of a place of worship for those interested in moving to Ramsey, another being the increased exposure to nearby businesses, particularly restaurants, frequented before and after services. Of course the benefit of a leasee to the owners of Ramsey Town Square is obvious.

## Current meetings and attendance

FCCI was established in 2004 and currently has approximately 75 members. FCCI's Pastor has been licensed and ordained since 1990 and is a member of several minister's organizations. FCCI meets on Sundays at 10:00 AM until 12:00 PM for regular worship service with most members in attendance. We also meet every Thursday evening at 7:00 PM for our weekly bible study, these meetings usually have 20-25 in attendance.

## Future growth and attendance

FCCI will be signing a 3 year lease, with 2 years renewable (total of 5 years) on suite #160, (5500 sq. ft.), to use for a 120-150 seat sanctuary as well as classrooms, offices, lunchroom, and necessary restrooms (see drawing). It is our desire to grow in attendance during this time to 150 members while using Suite#160. We have also requested the first option on leasing the adjacent suite #140, (2760 sq. ft.\*), to expand the sanctuary an additional 50 seats to 200, as well as additional classrooms and nursery. FCCI is not pursuing growth beyond 200 members in the Ramsey Square facility but will be pursuing the purchase of our own property in Ramsey as we begin to reach capacity.

\*(Could this Suite 140 be included on this interim use permit?)

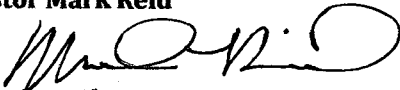
## Viability

We (FCCI) believe that the Ramsey Square property would work well for the following reasons:

- The existing parking at the site (91 spaces) is more than adequate for our planned attendance.
- We are willing and able to meet the code requirements for restrooms and sprinklers.
- Our meeting times are not in conflict with other businesses in complex.
- The two entrance/exits onto Hwy 10 would allow adequate traffic flow.
- Our main vehicle traffic (9:30-10AM and 12:00-12:30 Sundays) is not during peak hwy traffic.

**Thank you so much for your service! Please feel free to contact me with any questions.**

Pastor Mark Reid



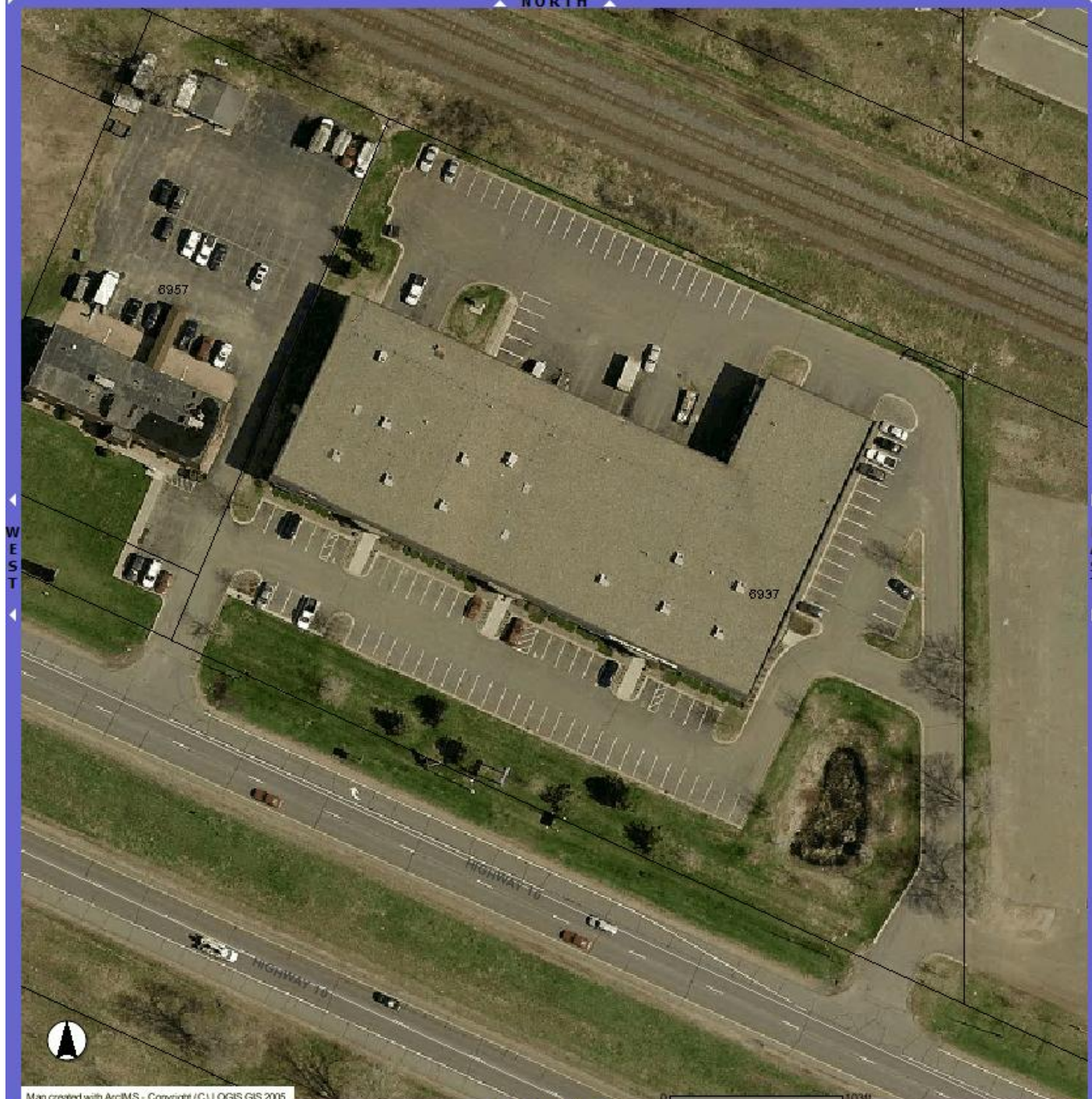
Freedom Christian Center International

612-670-6984

[mreid777@hotmail.com](mailto:mreid777@hotmail.com)

[www.freedomcc.com](http://www.freedomcc.com)

NORTH



WEST

EAST

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #12-06-\_\_\_\_\_**

**A RESOLUTION ADOPTING FINDINGS OF FACT # \_\_\_\_\_  
RELATING TO A REQUEST TO ALLOW FOR THE OPERATION  
OF A CHURCH IN THE H-1 HIGHWAY 10 BUSINESS DISTRICT**

**WHEREAS**, Freedom Christian Church, hereinafter referred to as "Applicant", has properly applied to the City of Ramsey (the "City") for an interim use permit to operate a Church in the H-1 Highway 10 Business District on the property located at 6937 Highway 10 legally described as follows:

That part of Lot 4 Auditors Subdivison No. 31 lying southeasterly of the following described line, beginning at a point on the southerly line of said Lot 520 feet northwesterly of Southeast Corner thereof, thence deflecting to right 88 degrees 338 feet plus or minus to northerly line of said lot and said line there terminate, except road subject to easement of record, Anoka County, Minnesota.

(the "Subject Property")

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-52 of the Ramsey City Code on June 7, 2012, and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
2. That the Subject Property is zoned H-1 Highway 10 Business District; the adjacent parcels to the west and east are zoned H-1 Highway 10 Business District, the property to north is E-2 Employment (separated by the Burlington Northern Santa Fe Railroad) and the property to the south (south side of Hwy 10) is MU-PUD Mixed Use Planned Unit Development.
3. That the H-1 Highway 10 Business District does not allow for churches as a permitted use.
4. That the Applicant received an interim use permit for this same use that will expire on July 1, 2012.
5. That there have been no complaints or concerns brought to the City's attention related to the current use on the Subject Property.
6. That the Applicant is proposing to utilize 5,500 square feet of the building located at 6937 Highway 10 for the purpose of a Church facility.
7. That the Applicant is not proposing any building modifications associated with the use.
8. That the Applicant is requesting that the Interim Use Permit be granted for five (5) years.
9. That Section 117-52 of City Code allows for an Interim Use Permit to be granted for a maximum of five (5) years, unless otherwise extended by Council.

10. That the request has been forwarded to MnDOT for review and they have stated they have no concerns with the proposed use.
11. That the proposed use will/will not adversely impact traffic in the area.
12. That the proposed use will/will not be dangerous or detrimental to persons residing or working in the vicinity of the use or to the public welfare.
13. That the proposed use will/will not substantially or adversely impair the use, enjoyment or market value of surrounding properties.
14. That the proposed use will/will not be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will/will not change the essential character of the area.
15. That the proposed use will/will not create additional requirements at public cost for public facilities and services.
16. That the proposed use will/will not be detrimental to the economic welfare of the community.
17. That the proposed use will/will not be disturbing or hazardous to existing or future neighboring uses.
18. That the proposed use will/will not involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.
19. That the proposed use will/will not be in accordance with the objectives of the intent of Section 117-52 Interim Use Permits of the City Code.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 26<sup>th</sup> day of June, 2012.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #12-06-\_\_\_\_\_**

**RESOLUTION APPROVING THE ISSUANCE OF AN INTERIM USE PERMIT TO ALLOW FOR THE OPERATION OF A CHURCH IN THE H-1 HIGHWAY 10 BUSINESS DISTRICT BASED ON FINDINGS OF FACT #\_\_\_\_ AND DECLARING THE TERMS OF SAME.**

**WHEREAS**, Freedom Christian Church, hereinafter referred to as "Permittee", has properly applied to the City of Ramsey (the "City") for an interim use permit (the "Permit") to operate a Church in the H-1 Highway 10 Business District on the property located at 6937 Highway 10 legally described as follows:

That part of Lot 4 Auditors Subdivision No. 31 lying southeasterly of the following described line, beginning at a point on the southerly line of said Lot 520 feet northwesterly of Southeast Corner thereof, thence deflecting to right 88 degrees 338 feet plus or minus to northerly line of said lot and said line there terminate, except road subject to easement of record, Anoka County, Minnesota.

(the "Subject Property"); and

**WHEREAS**, the Planning Commission met on June 7, 2012, conducted a public hearing and recommended that the City Council approve/deny the request to operate a Church in the H-1 Highway 10 Business District;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

This permit is issued pursuant to Section 117-52 of the Ramsey City Code. The conditions of this **Permit** are as follows:

- 1) The **Permittee** is herein allowed to operate a Church and Parish Offices on the **Subject Property**.
- 2) The **Permittee** shall secure written permission from the **Subject Property** owner for the parking of up to fifty (50) vehicles on the **Subject Property**. Such written permission shall be provided to the **City**.
- 3) Parking along Highway 10 shall be prohibited at all times and any violation of such would cause the **Permit** to be revisited.
- 4) This **Permit** shall commence on the date of City Council approval of same and shall expire on July 1, 2017.

- 5) This **Permit** is applicable only to the operation of a church and parish offices on the **Subject Property**. The granting of this **Permit** does not allow for any other use that is prohibited in the H-1 Highway 10 Business District.
- 6) This **Permit** shall become null and void in the event the use granted under this **Permit** permanently ceases prior to the expiration date or upon the expiration date, whichever occurs first.
- 7) That all costs incurred by the **City** in administering and enforcing this **Permit** shall be the responsibility of the **Permittee**.
- 8) That the City Administrator or his or her designee shall have the right to inspect the **Subject Property** for compliance and safety purposes at any time.
- 9) That the failure of the **City** at any time to require performance by the **Permittee** of any provisions herein shall in no way affect the right of the **City** thereafter to enforce the same. Nor shall waiver by the **City** of any breach of any of the provisions hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.
- 10) That if any provision of this **Permit** shall be declared void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.
- 11) That this **Permit** shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the **City** and the **Permittee**.
- 12) That if the **Permittee** or its successors or assigns violates any material term or condition of this **Permit**, it is grounds for suspension or revocation hereof consistent with applicable law. Specifically, but without limiting the foregoing, the **City** may amend, suspend, or revoke this **Permit**, consistent with applicable law, if the City Council reasonably determines that continued operation of the facility places the public health, safety or welfare or the environment in jeopardy or creates a public nuisance due to odors, litter, debris or other nuisance factors. The change, alteration or amendment of any statute, regulation, ordinance or permit condition by any governmental authority other than the **City**, shall not excuse the **Permittee** from compliance with statutes, regulations, ordinances or permit conditions in effect on the date of the original issuance of this **Permit** unless compliance is waived or excused by the **City**.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 26<sup>th</sup> day of June, 2012.

**FREEDOM CHRISTIAN CHURCH**

By: \_\_\_\_\_

As: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

\_\_\_\_\_  
Notary Public



## Regular Planning Commission

6. 2.

**Meeting Date:** 06/07/2012

**By:** Tim Gladhill, Community Development

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### Information

**Title:**

Review Sketch Plan for The COR, a Phased Major Plat; Case of the City of Ramsey Housing and Redevelopment Authority

**Background:**

The City has received an application for a Sketch Plan for The COR from the City of Ramsey Housing and Redevelopment Authority (HRA). The Sketch Plan encompasses five (5) future, individual plats for various geographic areas within The COR to prepare sites to be developed in accordance with the revised Development Plan.

The sketch plan process provides the Planning Commission the opportunity to relay to the developer components of the proposed subdivision related to street network, building layout, and overall design that are acceptable and components that may need further analysis during preliminary plat submittal. Specific zoning conformance review will be reviewed for each individual addition will be reviewed at the Preliminary Plat stage of each addition.

**Notification:**

Staff attempted to notify all property owners within 700 feet of the Subject Properties. A Public Notice was also published in the Anoka County Union.

**Observations:**

#### COR TWO

COR TWO is located on the western edge of The COR, north of Highway 10, south of Bunker Lake Boulevard, east of Armstrong Boulevard, and west of Zeolite Street (future). This plat is located within The COR-2 sub-district, which allows for various scales of commercial retail. A site plan application shall be required for any development within this district. Specific architectural and site designs will be approved with the site plan application. Conceptual layout will be reviewed using Development Plan 5.03 (or 6.0 when approved).

#### COR THREE

COR THREE is a small lot, single-family development consisting of seventeen (17) lots located north of Bunker Lake Boulevard and west of Armstrong Boulevard and is located in The COR-4 sub-district. The gross density of COR THREE is 3.2 units per acre (17 lots/5.22 acres). Block 1 appears to also include a stormwater pond. Development is subject to the Design Framework and must be approved at time of Preliminary Plat.

#### COR FOUR

COR FOUR is located north of Highway 10, south of Sunwood Drive, east of Peridot St, and west of Ramsey Boulevard. This area is located in the COR-3 sub-district, which allows for office uses and limited retail and key transportation nodes. The Sketch Plan contemplates one (1) buildable lot at the southwest intersection of Ramsey Boulevard and Sunwood Drive. A site plan will be required for any development and is subject to the Design Framework.

#### COR FIVE

COR FIVE consists of the transit village area in the center of the project. A majority of the Plat is located in the

COR-1 sub-district, the area of greatest density and mixed use, centered around the future rail station. This Plat is largely for reconfiguration of rights-of-way and property lines. There is a substantial amount of rights-of-way and easements that will need to be vacated. An application for Easement Vacation shall be submitted with the Preliminary Plat.

### COR SIX

COR SIX is located at the southwest intersection of Ramsey Boulevard and Bunker Lake Boulevard. Development Plan 5.03 shows this as COR-4, contemplating medium density residential. A site plan shall be required prior to any development, subject to the Design Framework. The Sketch Plan indicates one (1) outlot.

#### Funding Source:

Review of the case is being handled as part of regular Staff duties.

#### Staff Recommendation:

Staff recommends forwarding the request to the Preliminary Plat Stage.

#### Committee Action:

Provide the developer with feedback and direction related to the proposed Sketch Plan and contingent upon compliance with the City Staff Review Letter dated June 1, 2012.

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### Attachments

Site Location Map - Overall

Site Location Map - COR TWO

Site Location Map - COR THREE

Site Location Map - COR FOUR

Site Location Map - COR FIVE

Site Location Map - COR SIX

Sketch Plan Sheet 1.0

Sketch Plan Sheet 1.1

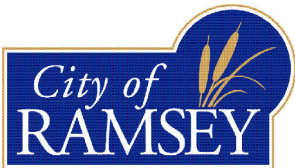
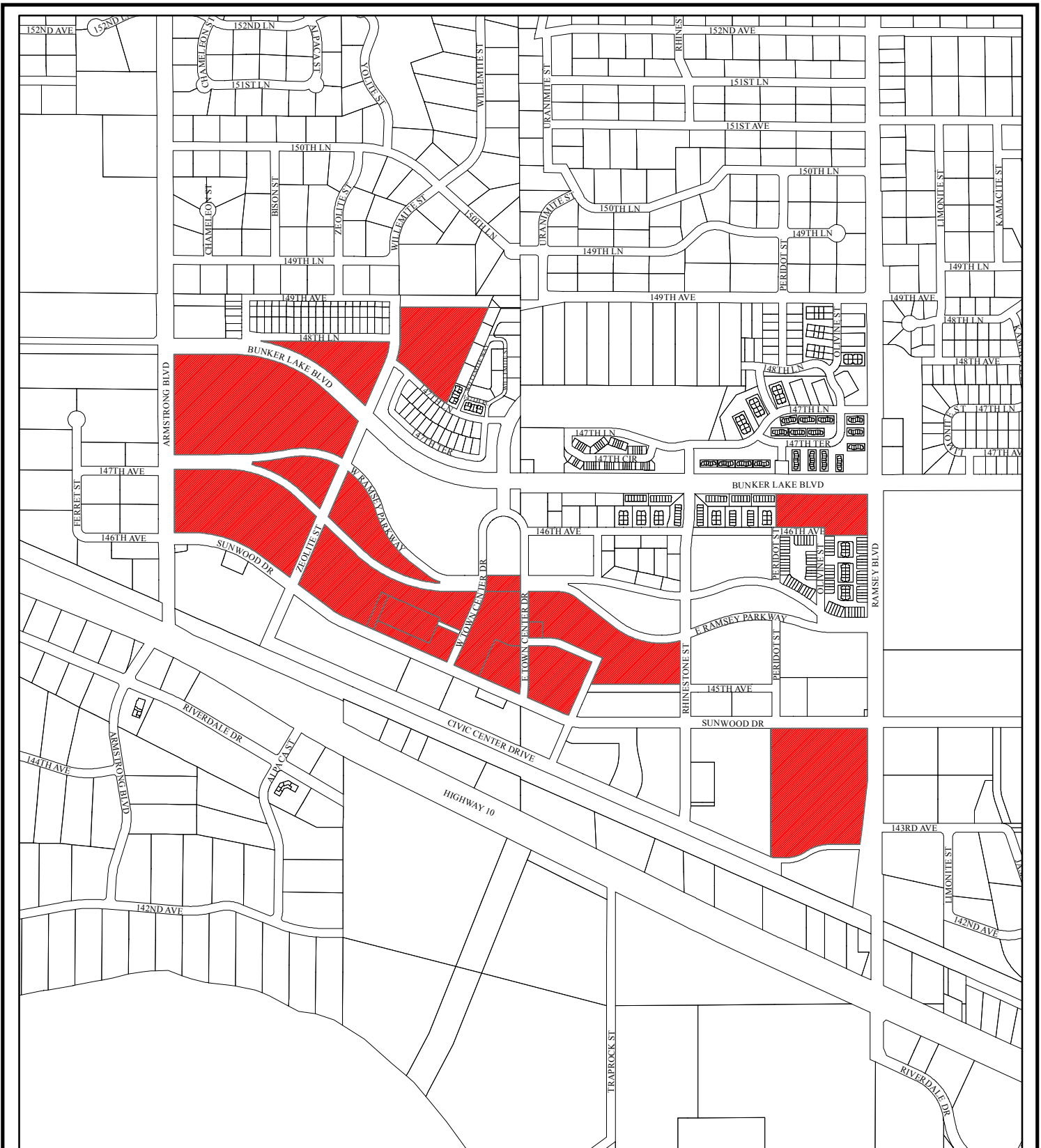
Sketch Plan Sheet 1.2

Sketch Plan Review Letter

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### Form Review

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Chris Anderson	Chris Anderson	06/01/2012 03:08 PM
Tim Gladhill (Originator)	Tim Gladhill	06/01/2012 03:10 PM
Form Started By: Tim Gladhill		Started On: 05/31/2012 10:22 AM
	Final Approval Date: 06/01/2012	

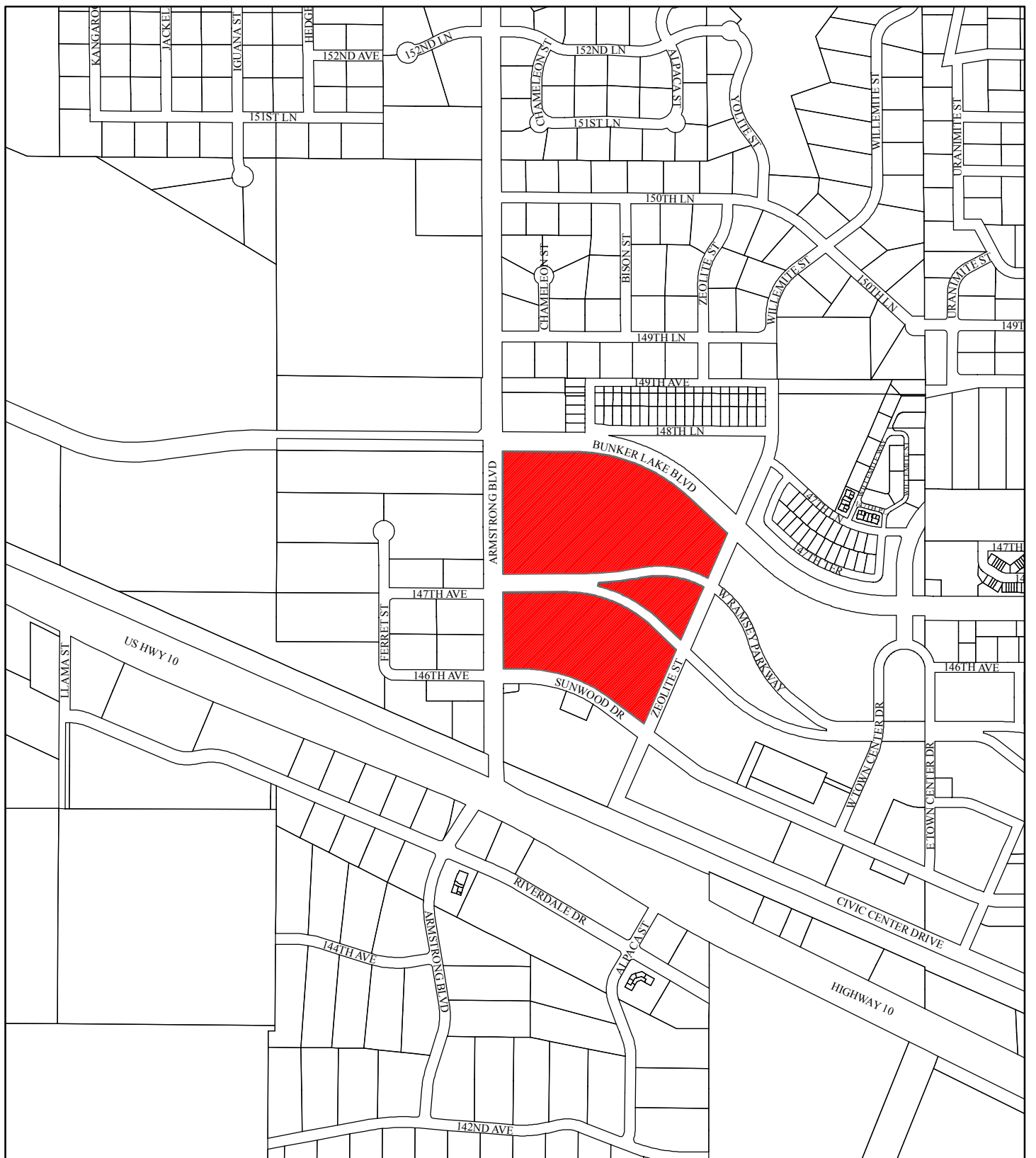


### COR Additions

#### Legend

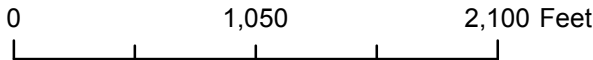
- Site
- Parcels

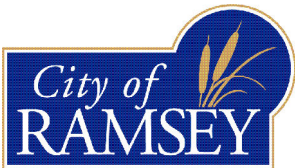
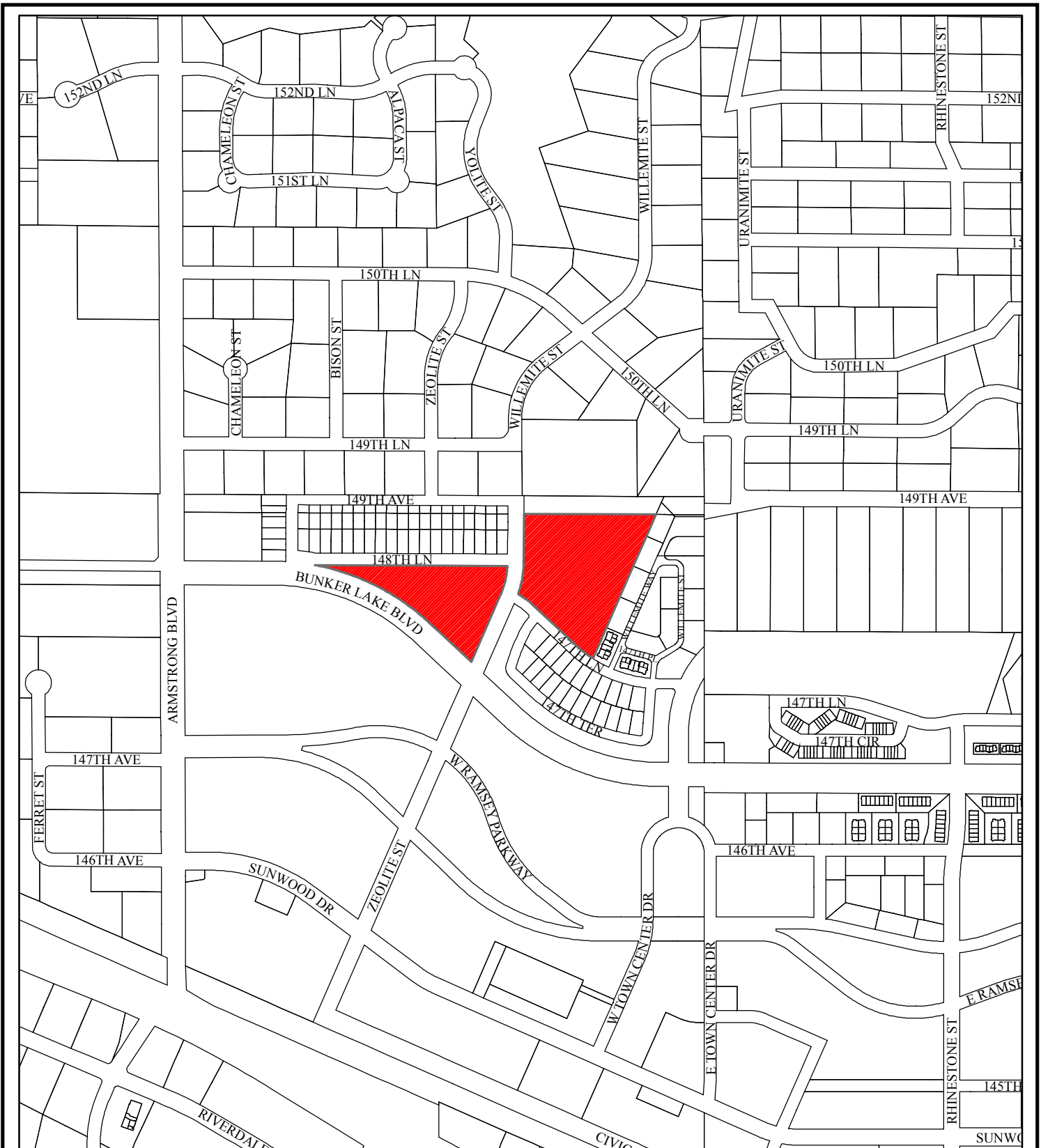




COR Additions  
COR Second

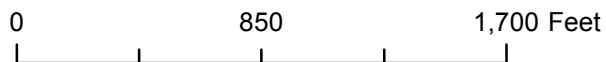
Legend  
 Site  
 Parcels

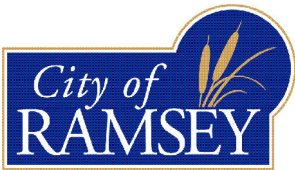
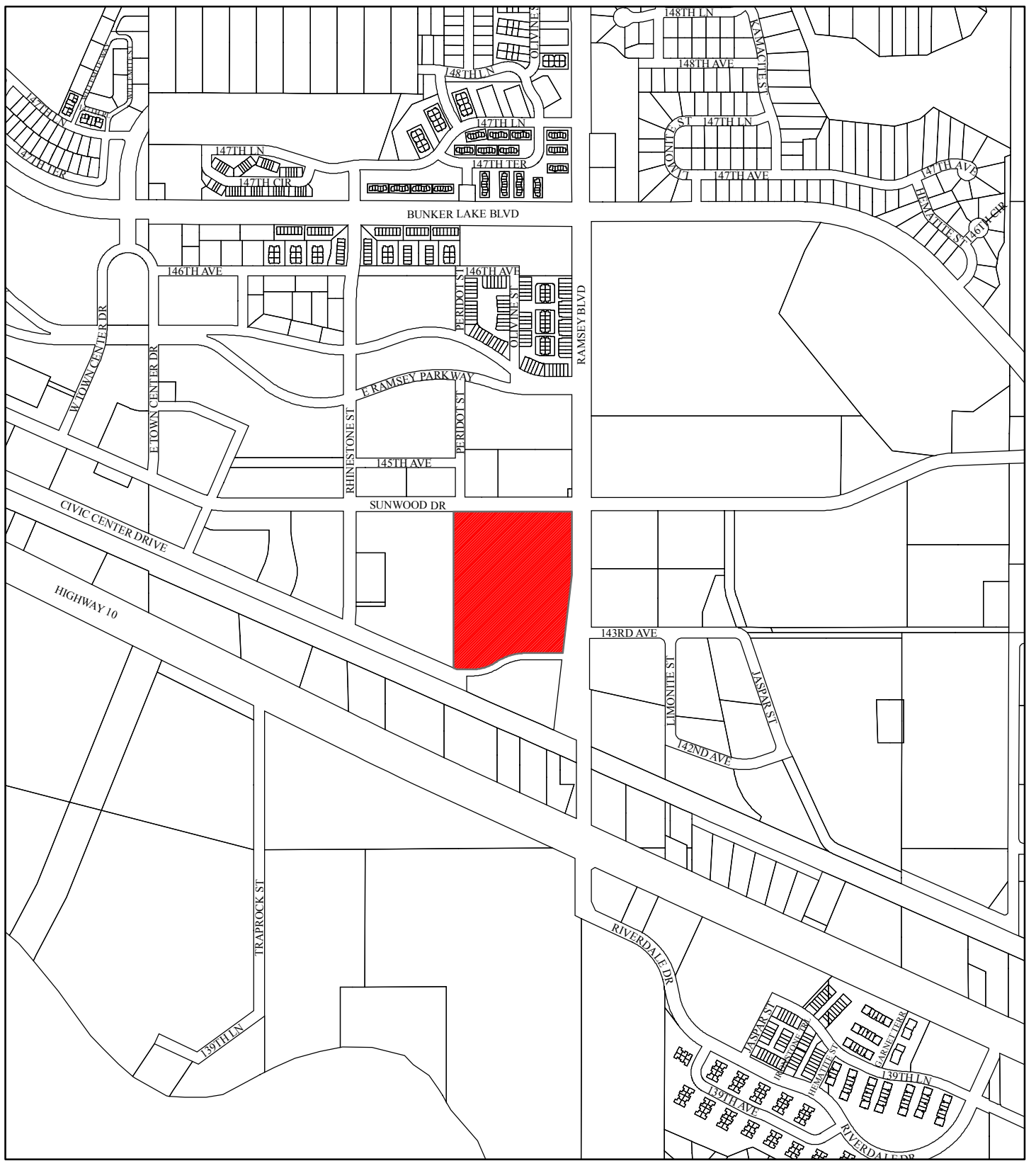




COR Additions  
COR Third

**Legend**  
 Site  
 Parcels



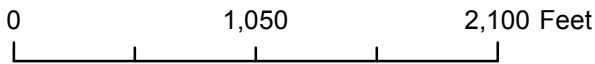


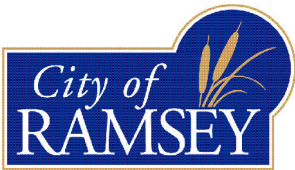
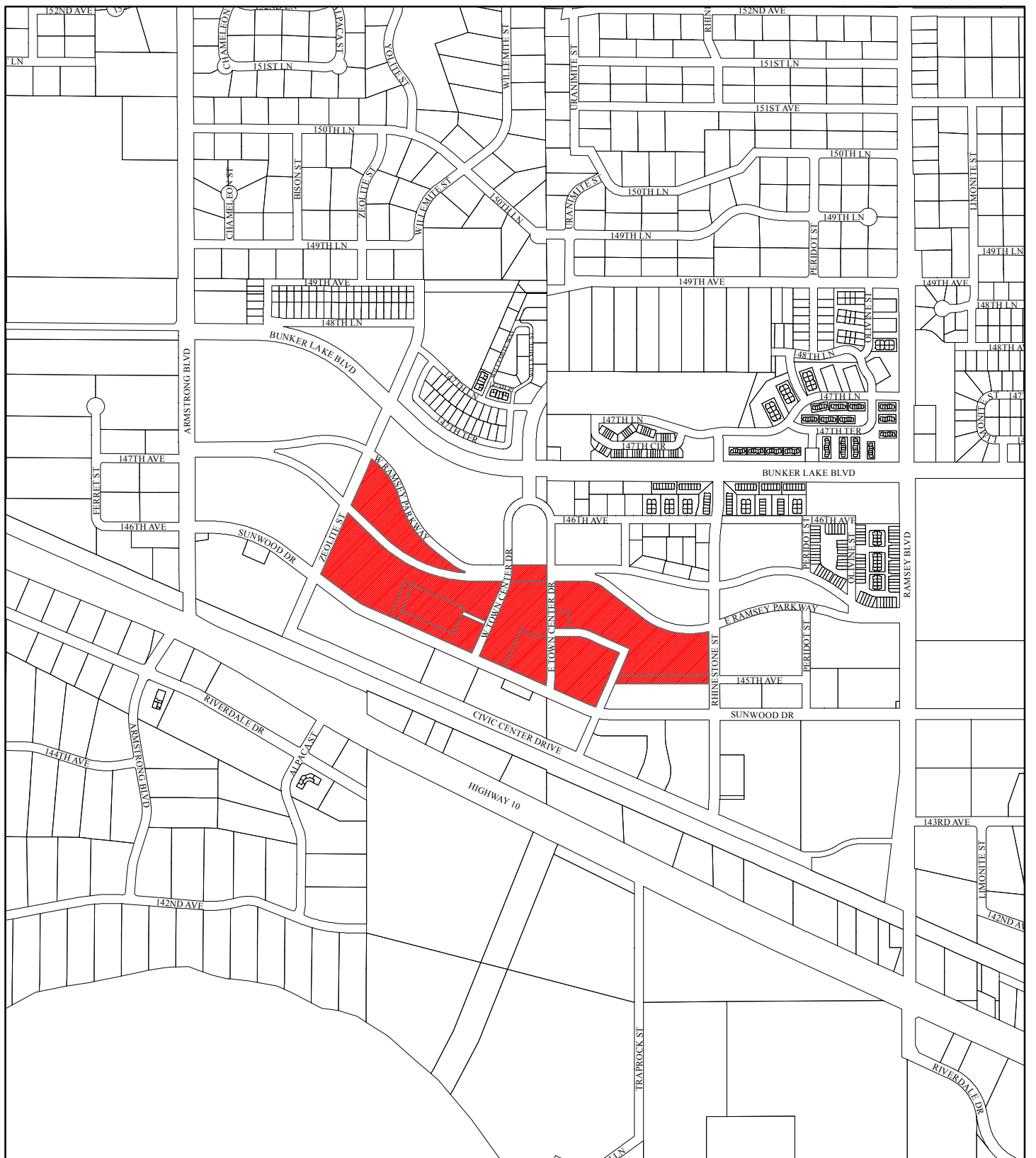
COR Additions  
COR Fourth

Legend

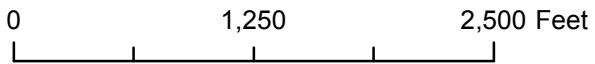
■ Addition  
■ Parcel

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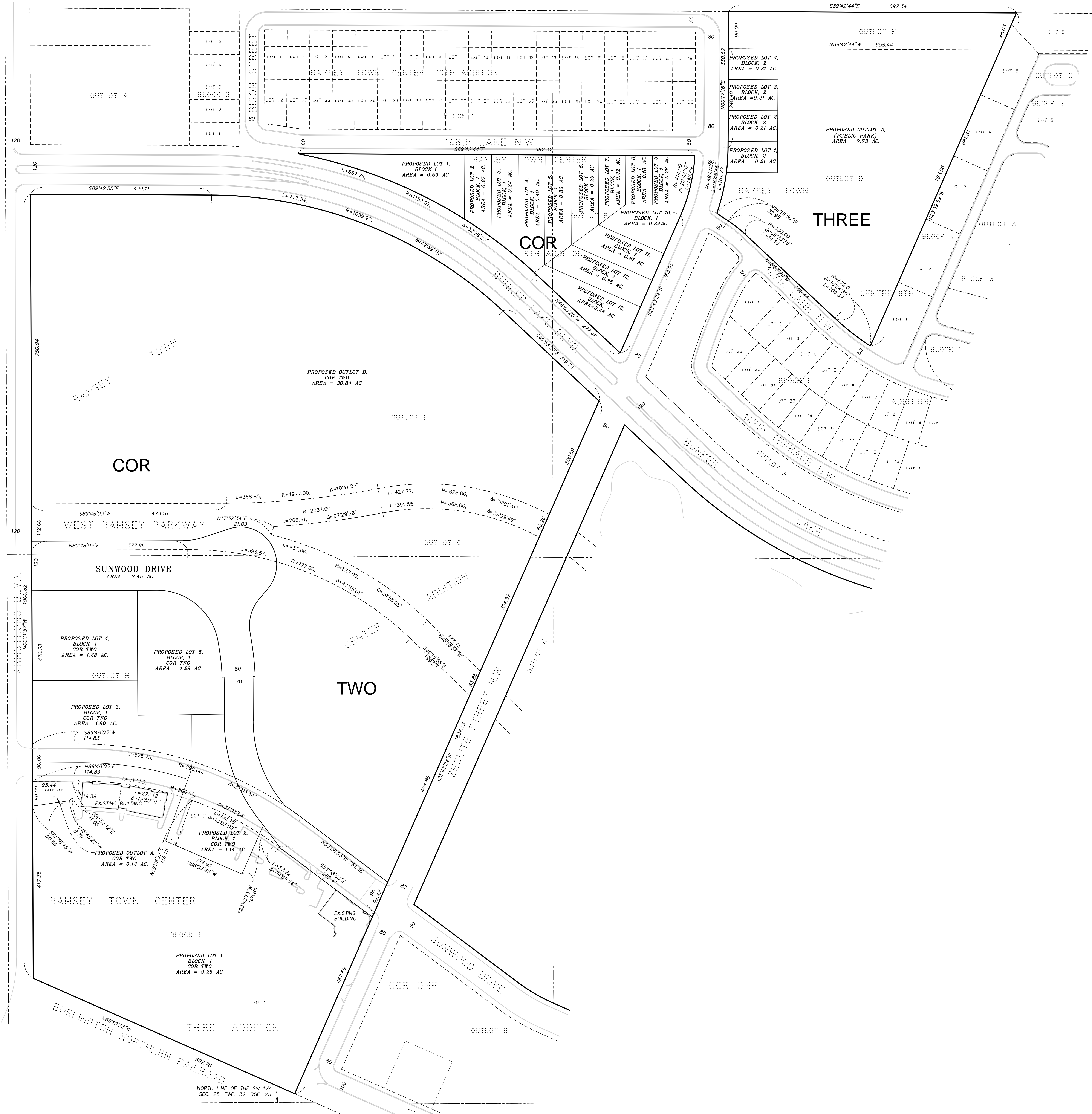




COR Additions  
COR Fifth







**LEGAL DESCRIPTION**

**COR TWO**  
 LOTS 1 AND 2, BLOCK 1 AND OUTLOT A, RAMSEY TOWN CENTER 3RD ADDITION;  
 AND  
 OUTLOT F, OUTLOT G AND OUTLOT H, RAMSEY TOWN CENTER ADDITION;  
 TOGETHER WITH THAT PART OF VACATED SUNWOOD DRIVE AND VACATED WEST RAMSEY PARKWAY

**COR THREE**  
 OUTLOT D, OUTLOT K AND OUTLOT L, RAMSEY TOWN CENTER 8TH ADDITION.

**COR FOUR**  
 OUTLOT GG, RAMSEY TOWN CENTER ADDITION, EXCEPT THAT PART DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT GG; THENCE ON AN ASSUMED BEARING OF SOUTH, ALONG THE WESTERLY LINE OF SAID OUTLOT GG FOR 567.95 FEET TO A POINT OF CURVATURE IN SAID WESTERLY LINE; THENCE SOUTHERLY FOR 36.04 FEET ALONG SAID WESTERLY LINE ALONG A TANGENTIAL CURVE CONCAVE TO THE WEST, RADIUS 540 FEET AND A CENTRAL ANGLE OF 27 DEGREES 49 MINUTES 27 SECONDS TO A POINT OF TANGENCY IN SAID WESTERLY LINE; THENCE SOUTH 03 DEGREES 49 MINUTES 27 SECONDS WEST ALONG SAID WESTERLY LINE FOR 87.65 FEET TO THE MOST SOUTHERLY CORNER IN SAID WESTERLY LINE; THENCE SOUTH 66 DEGREES 10 MINUTES 33 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF SAID OUTLOT GG FOR 654.94 FEET; THENCE ON A BEARING OF NORTH FOR 107.75 FEET TO THE NORTHEASTLY LINE OF SAID OUTLOT GG; THENCE ON A BEARING OF WEST ALONG SAID NORTHERLY LINE FOR 596.37 FEET TO THE POINT OF BEGINNING.

**COR FIVE**  
 OUTLOT J, OUTLOT K, OUTLOT N, OUTLOT O, OUTLOT P, OUTLOT Q AND OUTLOT R, RAMSEY TOWN CENTER ADDITION, ANOKA COUNTY, MINNESOTA;

**COR SIX**  
 OUTLOT A AND OUTLOT B, RAMSEY TOWN CENTER 7TH ADDITION, ANOKA COUNTY, MINNESOTA;

**COR SEVEN**  
 LOT 1, BLOCK 1, RAMSEY TOWN CENTER 11TH ADDITION, EXCEPT THAT PART LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE SOUTHEASTLY CORNER OF SAID LOT; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 186.92 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE WEST 690.28 FEET TO THE WESTERLY LINE OF SAID LOT AND SAID LINE THERE TERMINATING;

**COR EIGHT**  
 LOT 1, BLOCK 2, OUTLOT A AND OUTLOT B, RAMSEY TOWN CENTER 11TH ADDITION, ANOKA COUNTY, MINNESOTA

**COR NINE**  
 TRACT A, TRACT B, TRACT C, TRACT D AND TRACT E, S.L.S. NO.241, ANOKA COUNTY, MINNESOTA;

**COR TEN**  
 TOGETHER WITH THOSE PARTS OF VACATED RAMSEY PARKWAY, VACATED WEST TOWN CENTER DRIVE, VACATED CENTER DRIVE, VACATED EAST TOWN CENTER DRIVE, VACATED 16TH AVENUE NORTHWEST, VACATED 15TH AVENUE NORTHWEST AND VACATED 54TH STREET NORTHWEST.

**COR ELEVEN**  
 OUTLOT B, RAMSEY TOWN CENTER 2ND ADDITION, ANOKA COUNTY, MINNESOTA;

**SKETCH PLAN INFORMATION**

PROPOSED SUBDIVISION NAME: COR TWO, COR THREE, COR FOUR, COR FIVE AND COR SIX.

- OWNER/SUBDIVIDER: RAMSEY HRA, 7550 SUNWOOD DR, RAMSEY, MN 55303
- DESIGNER/SURVEYOR: LANDFORM, 105 SOUTH FIFTH AVENUE, SUITE 513, MINNEAPOLIS, MN 55401
- TOTAL AREA: 5,726,878.99 OR 131.47 ACRES
- INDIVIDUAL SUBDIVISION AREA: (SEE TABLE BELOW)

**SUBDIVISION INFORMATION**

COR TWO	AREA	ACRES
TOTAL AREA	2,192,874.50 FT.	49.96 AC.
TOTAL RIGHT-OF-WAY AREA	500.93 SQ. FT.	3.49 AC.
LOT 1, BLOCK 1	403,062.50 FT.	9.25 AC.
LOT 2, BLOCK 1	48,534.50 FT.	1.14 AC.
LOT 3, BLOCK 1	64,751.50 FT.	1.60 AC.
LOT 4, BLOCK 1	55,684.50 FT.	1.28 AC.
LOT 5, BLOCK 1	56,285.50 FT.	1.29 AC.
OUTLOT A	9,071.50 FT.	0.21 AC.
OUTLOT B	1,343,292.50 FT.	30.83 AC.

**COR THREE**

**SINGLE FAMILY RESIDENTIAL**

17 TOTAL LOTS

LOT	AREA	ACRES
TOTAL AREA	563,387.50 FT.	12.93 AC.
TOTAL PUBLIC USE AREA	336,992.50 FT.	7.73 AC.
LOT 1, BLOCK 1	25,709.50 FT.	0.59 AC.
LOT 2, BLOCK 1	15,443.50 FT.	0.36 AC.
LOT 3, BLOCK 1	14,541.50 FT.	0.33 AC.
LOT 4, BLOCK 1	17,549.50 FT.	0.40 AC.
LOT 5, BLOCK 1	10,731.50 FT.	0.26 AC.
LOT 6, BLOCK 1	22,598.50 FT.	0.52 AC.
LOT 7, BLOCK 1	4,386.50 FT.	0.10 AC.
LOT 8, BLOCK 1	7,800.50 FT.	0.18 AC.
LOT 9, BLOCK 1	11,244.50 FT.	0.26 AC.
LOT 10, BLOCK 1	14,608.50 FT.	0.34 AC.
LOT 11, BLOCK 1	13,638.50 FT.	0.31 AC.
LOT 12, BLOCK 1	14,480.50 FT.	0.33 AC.
LOT 13, BLOCK 1	18,879.50 FT.	0.46 AC.
LOT 14, BLOCK 1	10,739.50 FT.	0.24 AC.
LOT 15, BLOCK 1	8,000.50 FT.	0.18 AC.
LOT 16, BLOCK 1	8,000.50 FT.	0.18 AC.
LOT 17, BLOCK 1	8,000.50 FT.	0.18 AC.
OUTLOT A	336,994.50 FT.	7.73 AC.
NET DENSITY	3.27 LOTS / AC	

**DEVELOPER**  
**RAMSEY HRA**  
 7550 SUNWOOD DR.  
 RAMSEY, MN 55303  
 TEL: (763) 433-8447

**MUNICIPALITY**  
 City of RAMSEY

**PROJECT**

**SHEET INDEX**

SHEET	TITLE
L0	SKETCH PLAN - COR 2 & 3
L1	SKETCH PLAN - COR 4 & 6
L2	SKETCH PLAN - COR 5

**REVISION HISTORY**

DATE	REVISION	BY
07 MAY 2010	CITY SUBMITTAL	XXX

**PROJECT MANAGER REVIEW**

**CERTIFICATION**

I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the state of MINNESOTA.

*Scott Trovati*  
 SCOTT TROVATI  
 Registration No. 47460 DATE: 05-07-2012

Signature shown is a digital reproduction of original. Web signed copy of this plan on file at Landform Engineering Company office and is available upon request.

**CITY SUBMITTAL**  
 MAY 7, 2012

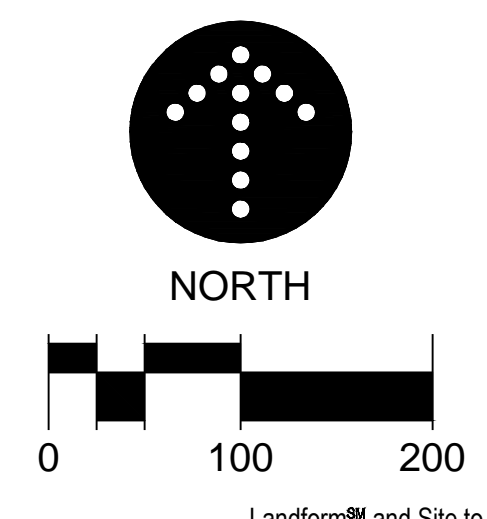
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 From Site to Finish

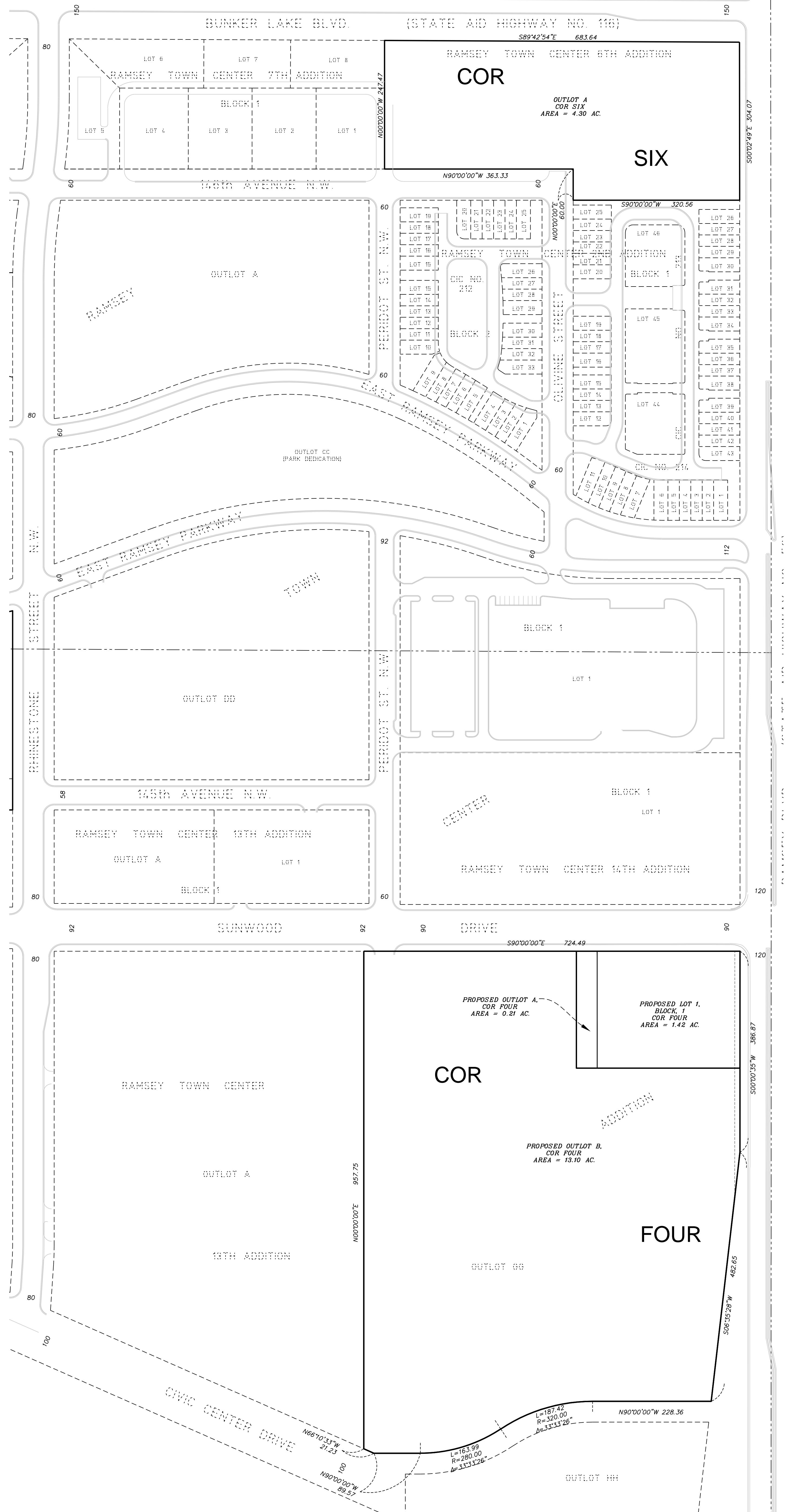
105 South Fifth Avenue Tel: 612-252-9670  
 Suite 513 Fax: 612-252-9077  
 Minneapolis, MN 55401 Web: landform.net

FILE NAME: SKETCH\_RAM001  
 PROJECT NO.: RAM001

**SKETCH PLAN**  
**COR TWO AND COR THREE**  
**1.0**

SHEET NO. 1/3





**LEGAL DESCRIPTION**

**COR TWO:**  
 LOTS 1 AND 2, BLOCK 1 AND OUTLOT A, RAMSEY TOWN CENTER 3RD ADDITION;  
 AND  
 OUTLOT F, OUTLOT G AND OUTLOT H, RAMSEY TOWN CENTER ADDITION;  
 TOGETHER WITH THAT PART OF VACATED SUNWOOD DRIVE AND VACATED WEST RAMSEY PARKWAY

**COR THREE:**  
 OUTLOT D, OUTLOT K AND OUTLOT L, RAMSEY TOWN CENTER 8TH ADDITION

**COR FOUR:**  
 OUTLOT GG, RAMSEY TOWN CENTER ADDITION, EXCEPT THAT PART DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT GG; THENCE ON AN ASSUMED BEARING OF SOUTH, ALONG THE WESTERLY LINE OF SAID OUTLOT GG FOR 567.95 FEET TO A POINT OF CURVATURE IN SAID WESTERLY LINE; THENCE SOUTHERLY FOR 36.04 FEET ALONG SAID WESTERLY LINE ALONG A TANGENTIAL CURVE CONCAVE TO THE WEST, RADIUS 540 FEET AND A CENTRAL ANGLE 03 DEGREES 49 MINUTES 27 SECONDS TO A POINT OF TANGENCY IN SAID WESTERLY LINE; THENCE SOUTH 03 DEGREES 49 MINUTES 27 SECONDS WEST ALONG SAID WESTERLY LINE FOR 87.45 FEET TO THE POINT SOUTHERLY CORNER IN SAID WESTERLY LINE; THENCE SOUTH 66 DEGREES 10 MINUTES 33 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF SAID OUTLOT GG FOR 654.54 FEET; THENCE ON A BEARING OF NORTH FOR 197.75 FEET TO THE NORTHERLY LINE OF SAID OUTLOT GG; THENCE ON A BEARING OF WEST ALONG SAID NORTHERLY LINE FOR 596.32 FEET TO THE POINT OF BEGINNING.

**COR FIVE:**  
 OUTLOT J, OUTLOT K, OUTLOT N, OUTLOT O, OUTLOT P, OUTLOT Q AND OUTLOT R, RAMSEY TOWN CENTER ADDITION, ANOKA COUNTY, MINNESOTA;  
 AND  
 OUTLOT A AND OUTLOT B, RAMSEY TOWN CENTER 7TH ADDITION, ANOKA COUNTY, MINNESOTA;  
 AND  
 LOT 1, BLOCK 1, RAMSEY TOWN CENTER 11TH ADDITION, EXCEPT THAT PART LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 186.92 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE WEST 692.28 FEET TO THE WESTERLY LINE OF SAID LOT AND SAID LINE THERE TERMINATING;  
 AND  
 LOT 1, BLOCK 2, OUTLOT A AND OUTLOT B, RAMSEY TOWN CENTER 11TH ADDITION, ANOKA COUNTY, MINNESOTA;  
 AND  
 TRACT A, TRACT B, TRACT C, TRACT D AND TRACT E, R.L.S. NO.241, ANOKA COUNTY, MINNESOTA;  
 TOGETHER WITH THOSE PARTS OF VACATED RAMSEY PARKWAY, VACATED WEST TOWN CENTER DRIVE, VACATED CENTER DRIVE, VACATED EAST TOWN CENTER DRIVE, VACATED 146TH AVENUE NORTHWEST, VACATED 145TH AVENUE NORTHWEST AND VACATED SAPPING STREET NORTHWEST.

**COR SIX:**  
 OUTLOT B, RAMSEY TOWN CENTER 2ND ADDITION, ANOKA COUNTY, MINNESOTA;

**SKETCH PLAN INFORMATION**

PROPOSED SUBDIVISION NAME: COR TWO, COR THREE, COR FOUR, COR FIVE AND COR SIX.

- OWNER/SUBDIVIDER: RAMSEY HRA, 7550 SUNWOOD DR, RAMSEY, MN 55303
- DESIGNER/SURVEYOR: LANDFORM, 105 SOUTH FIFTH AVENUE, SUITE 513, MINNEAPOLIS, MN 55401
- TOTAL AREA: 5,726,878.99 OR 131.47 ACRES
- INDIVIDUAL SUBDIVISION AREA: (SEE TABLE BELOW)

**SUBDIVISION INFORMATION**

COR	TOTAL AREA	SQ. FT.	OR	AC.
COR FOUR		641,329		14.72
LOT 1, BLOCK 1		61,871		1.42
OUTLOT A		6,000		0.21
OUTLOT B		570,458		13.10
COR SIX		187,272		4.30
OUTLOT A		187,272		4.30

**DEVELOPER**  
**RAMSEY HRA**  
 7550 SUNWOOD DR.  
 RAMSEY, MN 55303  
 TEL: (763) 433-8847

**MUNICIPALITY**

**PROJECT**

**SHEET INDEX**

SHEET	TITLE
L0	SKETCH PLAN - COR 2 & 3
L1	SKETCH PLAN - COR 4 & 6
L2	SKETCH PLAN - COR 5

**REVISION HISTORY**

DATE	REVISION	REVIEW
07/14/2010	CITY SUBMITTAL	XXX

**PROJECT MANAGER REVIEW**

**CERTIFICATION**

**CITY SUBMITTAL**  
 MAY 7, 2012

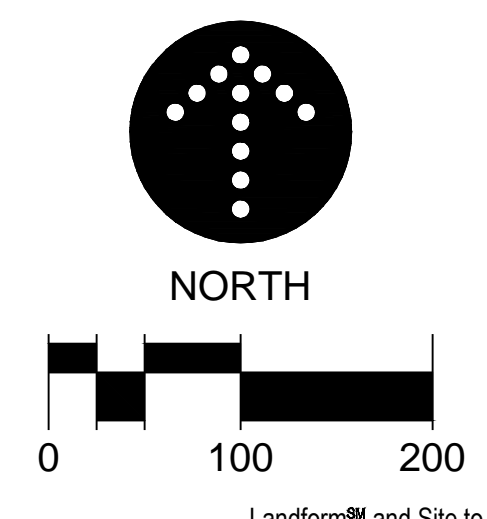
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 Suite 513 | Fax: 612-252-9077  
 Minneapolis, MN 55401 | Web: landform.net

FILE NAME: SKETCH\_RAM001  
 PROJECT NO.: RAM001

**SKETCH PLAN**  
**COR 4 AND COR 6**  
**1.1**

SHEET NO. 2/3



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REVISION HISTORY

DATE	REVISION	REVIEW
07/14/2010	CITY SUBMITTAL	SK

PROJECT MANAGER REVIEW

DATE	REVISION	REVIEW

CERTIFICATION

DATE	REVISION	REVIEW

CITY SUBMITTAL  
MAY 7, 2012

LANDFORM  
From Site to Finish

105 South Fifth Avenue Tel: 612-252-9670  
Suite 513 Fax: 612-252-8077  
Minneapolis, MN 55401 Web: landform.net

FILE NAME SKETCH\_RAM001  
PROJECT NO. RAM001  
SKETCH PLAN  
COR FIVE  
**1.2**  
SHEET NO. 3/3

**LEGAL DESCRIPTION**

**COR TWO:**  
LOTS 1 AND 2, BLOCK 1 AND OUTLOT A, RAMSEY TOWN CENTER 3RD ADDITION;  
AND  
OUTLOT F, OUTLOT G AND OUTLOT H, RAMSEY TOWN CENTER ADDITION;  
TOGETHER WITH THAT PART OF VACATED SUNWOOD DRIVE AND VACATED WEST RAMSEY PARKWAY

**COR THREE:**  
OUTLOT D, OUTLOT K AND OUTLOT F, RAMSEY TOWN CENTER 8TH ADDITION

**COR FOUR:**  
OUTLOT GG, RAMSEY TOWN CENTER ADDITION, EXCEPT THAT PART DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT GG; THENCE ON AN ASSUMED BEARING OF SOUTH, ALONG THE WESTERLY LINE OF SAID OUTLOT GG FOR 567.95 FEET TO A POINT OF CURVATURE IN SAID WESTERLY LINE; THENCE SOUTHERLY FOR 36.04 FEET ALONG SAID WESTERLY LINE ALONG A TANGENTIAL CURVE CONCAVE TO THE WEST, RADII 540 FEET AND A CENTRAL ANGLE OF 03 DEGREES 49 MINUTES 27 SECONDS TO A POINT OF TANGENCY IN SAID WESTERLY LINE; THENCE SOUTH 03 DEGREES 49 MINUTES 27 SECONDS WEST ALONG SAID WESTERLY LINE FOR 87.46 FEET TO THE POINT SOUTHERLY CORNER IN SAID WESTERLY LINE; THENCE SOUTH 66 DEGREES 10 MINUTES 33 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF SAID OUTLOT GG FOR 654.94 FEET; THENCE ON A BEARING OF NORTH FOR 107.75 FEET TO THE NORTHEASTLY CORNER OF SAID OUTLOT GG; THENCE ON A BEARING OF WEST ALONG SAID NORTHERLY LINE FOR 596.37 FEET TO THE POINT OF BEGINNING.

**COR FIVE:**  
OUTLOT L, OUTLOT K, OUTLOT N, OUTLOT O, OUTLOT P, OUTLOT Q AND OUTLOT R, RAMSEY TOWN CENTER ADDITION, ANOKA COUNTY, MINNESOTA;  
AND  
OUTLOT A AND OUTLOT B, RAMSEY TOWN CENTER 7TH ADDITION, ANOKA COUNTY, MINNESOTA;  
AND  
LOT 1, BLOCK 1, RAMSEY TOWN CENTER 11TH ADDITION, EXCEPT THAT PART LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE SOUTHEASTLY CORNER OF SAID LOT, THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 186.92 FEET TO THE POINT OF BEGINNING OF SAID LINE; THENCE WEST 692.28 FEET TO THE WESTERLY LINE OF SAID LOT AND SAID LINE THERE TERMINATING;  
AND  
LOT 1, BLOCK 2, OUTLOT A AND OUTLOT B, RAMSEY TOWN CENTER 11TH ADDITION, ANOKA COUNTY, MINNESOTA

**TRACT A, TRACT B, TRACT C, TRACT D AND TRACT E, R.L.S. NO.241, ANOKA COUNTY, MINNESOTA;**  
TOGETHER WITH THOSE PARTS OF VACATED RAMSEY PARKWAY, VACATED WEST TOWN CENTER DRIVE, VACATED CENTER DRIVE, VACATED EAST TOWN CENTER DRIVE, VACATED 146TH AVENUE NORTHWEST, VACATED 145TH AVENUE NORTHWEST AND VACATED SAPPHEE STREET NORTHWEST.

**COR SIX:**  
OUTLOT B, RAMSEY TOWN CENTER 2ND ADDITION, ANOKA COUNTY, MINNESOTA;

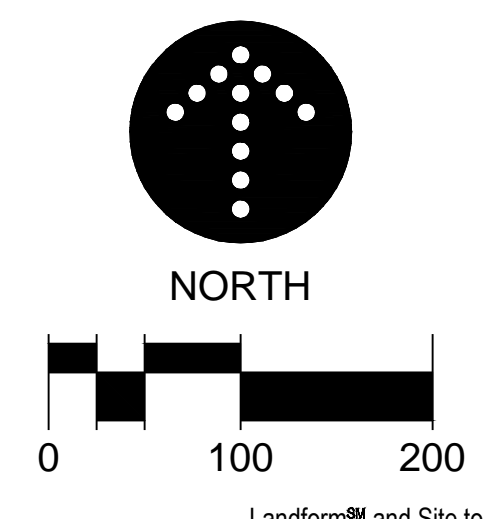
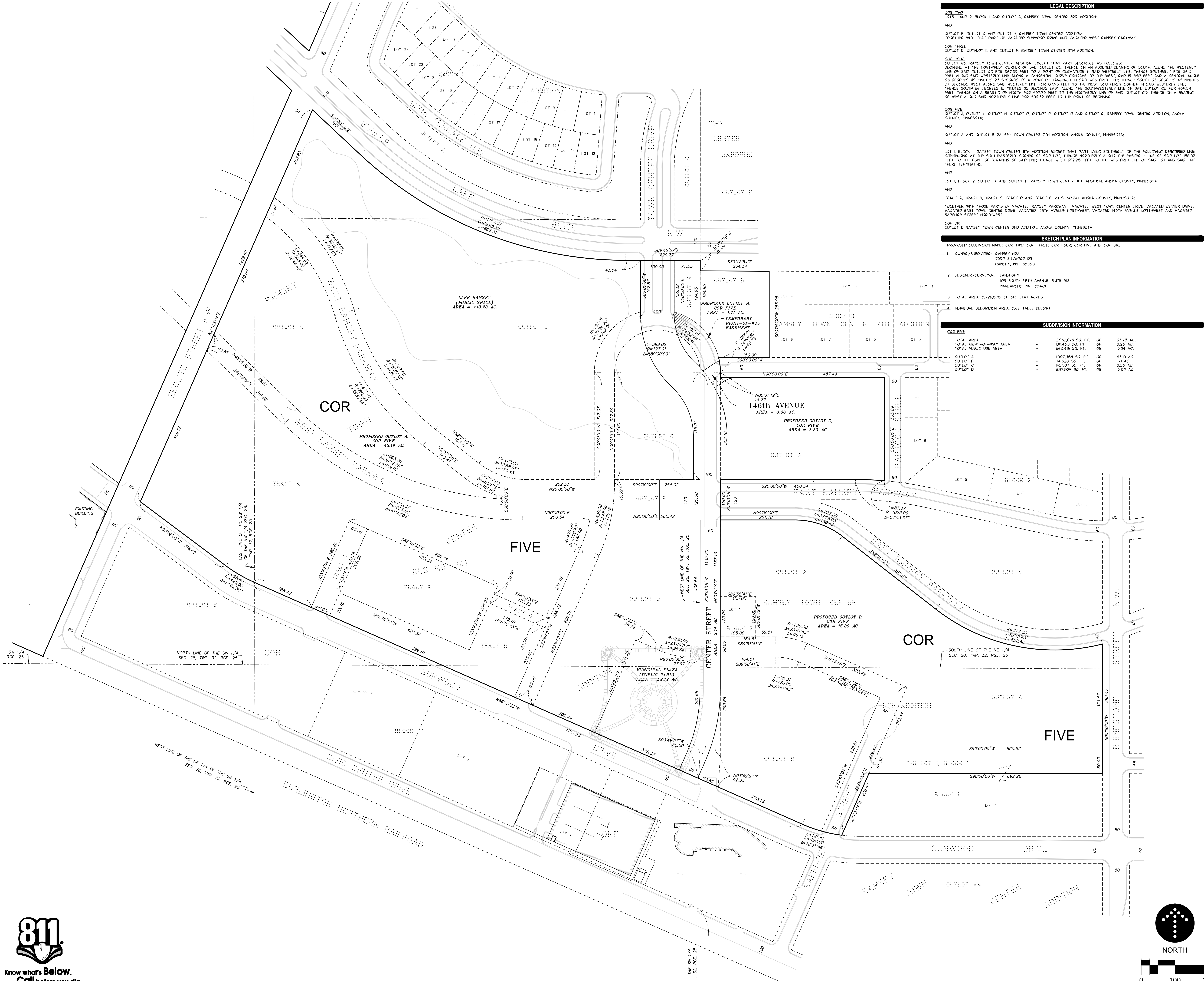
**SKETCH PLAN INFORMATION**

PROPOSED SUBDIVISION NAME: COR TWO, COR THREE, COR FOUR, COR FIVE AND COR SIX.

- OWNER/SUBDIVIDER: RAMSEY HRA, 7550 SUNWOOD DR., RAMSEY, MN 55303
- DESIGNER/SURVEYOR: LANDFORM, 105 SOUTH FIFTH AVENUE, SUITE 513, MINNEAPOLIS, MN 55401
- TOTAL AREA: 5,726.878, SF OR 0.147 ACRES
- INDIVIDUAL SUBDIVISION AREA: (SEE TABLE BELOW)

**SUBDIVISION INFORMATION**

COR FIVE	TOTAL AREA	TOTAL RIGHT-OF-WAY AREA	TOTAL PUBLIC USE AREA
OUTLOT A	1,907,395 SQ. FT.	02	43.8 AC.
OUTLOT B	74,500 SQ. FT.	02	1.71 AC.
OUTLOT C	43,537 SQ. FT.	02	3.30 AC.
OUTLOT D	687,824 SQ. FT.	02	9.80 AC.



June 1, 2012

City of Ramsey Housing and Redevelopment Authority  
Attn: Kurt Ulrich, Executive Director  
7550 Sunwood Dr NW  
Ramsey, MN 55303

**Re: Sketch Plan—THE COR**

Kurt:

We are in receipt of your sketch plan for the overall subdivision of The COR to reconfigure lot lines. The reconfigured lot lines are to clean up previous subdivisions to match the revised Development Plan 5.03. We understand that Development Plan 6.0 is under consideration. Staff will verify conformance to Development Plan 6.0 at the Preliminary Plat stage. This area is currently platted as Ramsey Town Center Addition.

It is anticipated that these areas will be phased through a series of Final Plats known as COR TWO through COR Six. The sketch plan process provides the Planning Commission the opportunity to relay to the developer components of the proposed subdivision related to street network, building layout, and overall design that are acceptable and components that may need further analysis during preliminary plat submittal. The sketch plan includes three (3) sheets prepared by Landform dated May 7, 2012. *Specific zoning conformance review will be reviewed for each individual addition will be reviewed at the Preliminary Plat stage of each addition.*

We offer the following comments regarding your application:

*Planning and Zoning*  
*Reviewer: Tim Gladhill, Senior Planner*  
[tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us)  
763-576-4308

**General:** The Subject Property is part of The COR development, comprising of approximately 322 acres. The proposed plat would reconfigure existing lot lines and create additional buildable lots in order to allow for future development.

COR TWO

COR TWO is located on the western edge of The COR, north of Highway 10, south of Bunker Lake Boulevard, east of Armstrong Boulevard, and west of Zeolite Street (future). This plat is located within The COR-2 sub-district which allows for various scales of commercial retail. A site plan application shall be required for any development within this district. Specific architectural and site design will be approved with the site plan application. Conceptual layout will be reviewed using Development Plan 5.03 (or 6.0 when approved).

COR THREE

COR THREE is a small lot, single-family development consisting of seventeen (17) lots located north of Bunker Lake Boulevard and west of Armstrong Boulevard and is located in The COR-4 sub-district. The gross density of COR THREE is 3.2 units per acre (17 lots/5.22 acres). Block 1 appears to also include a stormwater pond. Please provide the size of this improvement in acres, rounded to two (2) decimal places, in order to calculate net density. Development is subject to the Design Framework and must be approved at time of Preliminary Plat.

#### COR FOUR

COR FOUR is located north of Highway 10, south of Sunwood Drive, east of Peridot St, and west of Ramsey Boulevard. This area is located in the COR-3 sub-district that allows for office uses and limited retail and key transportation nodes. The Sketch Plan contemplates one (1) buildable lot at the south west intersection of Ramsey Boulevard and Sunwood Drive. A site plan will be required for any development and is subject to the Design Framework.

#### COR FIVE

COR FIVE consists of the transit village area in the center of the project. A majority of the Plat is located in the COR-1 sub-district, the area of greatest density and mixed use, centered around the future rail station. This Plat is largely for reconfiguration of rights-of-way and property lines. There is a substantial amount of rights-of-way and easements that will be necessary to vacate. An application for Easement Vacation shall be submitted with the Preliminary Plat.

#### COR SIX

COR SIX is located at the south west intersection of Ramsey Boulevard and Bunker Lake Boulevard. Development Plan 5.03 shows this a COR-4, contemplating medium density residential. A site plan shall be required prior to any development, subject to the Design Framework. The Sketch Plan indicates one (1) outlot.

**Zoning:** The property is located in The COR. Within this district, various sub-districts exist. The COR District is a mixed use district that allows for a mix of high-density residential, employment, and commercial uses. The zoning district allows for flexibility in site planning and zoning. Architectural design is subject to the revised Design Framework approved in 2012. *For single-family lots, please provide floor plans and architectural elevations at the preliminary plat stage for approval. A site plan for single-family lots must be approved at time of preliminary plat.*

**Lot Size and Width Requirements:** It appears that all dimensional standards are met based on the submitted Sketch Plan.

**Engineering Review**  
**Reviewer: Tim Himmer, City Engineer**  
[thimmer@ci.ramsey.mn.us](mailto:thimmer@ci.ramsey.mn.us)  
763-433-9893

The following comments are provided in regards to the Civil Engineering review component of the Sketch Plan:

- **COR 2/3**
  - Drainage & utility easements are required on the COR 3 plat to account for the 100 yr. flood elevation for the proposed pond in Block 1.
  - Standard drainage & utility easements are required abutting the right-of-way, side lots, and rear lots of all single family properties. Additionally, pedestrian trail easements are required, if necessary, for the approved design of North Commons
  - Grading and utility plans are required to review how this plat will be serviced & drainage will function, including utility modifications to provide an outlet from the pond in Block 1, COR 3 to future Lake Ramsey on the south side of Bunker Lake Boulevard
  - What is the timing on lots in Block 1, COR 2? The discussions to date have centered on only platting what is immediately pending, and leaving the greatest amount of flexibility for future development
  - A minimum of 90 feet of right-of-way is required for the south leg of the proposed round-a-bout on the realigned Sunwood Drive
  - Drainage & utility easements, and pedestrian trail easements must be dedicated in the existing Sunwood Drive roadway alignment to cover the existing public utilities in this location, and the future plans for a pedestrian tunnel under the future interchange
  - Please make sure that the access road to the Northstar Market Place, from the realigned Sunwood Drive is placed in such a way that no parcels are left landlocked
  - What is the plan for proposed Outlot A, COR 2? I believe this is a City owned property that will definitely become landlocked
- **COR 4:**
  - Is the sale of Lot 1 pending?
  - Information must be submitted on the proposed access to Lot 1 from Sunwood Drive. This matter has been discussed and staff is awaiting information on future traffic volumes, turning movements, roadway geometrics, and potential roadway modifications (now and in the future)? The access proposed is concerning with respect to distance from Ramsey Boulevard, and conflicts with the existing northbound left turn lane on Sunwood Drive
  - Standard drainage and utility easements are required for Lot 1. In addition it was always anticipated that drainage from Sunwood Drive would be routed through this location to the existing pond in Outlot HH; this must be accommodated in some fashion with this plat & easements dedicated.
  - What is the width of Outlot A? If this is to potentially become a local roadway (right-of-way), it must be a minimum of 60 feet wide.
- **COR 5:**
  - Why is the realignment of Center Street, north of East Ramsey Parkway being modified now? Can the proposed right-of-way accommodate the intended design; including a future signalized intersection at Bunker Lake Boulevard?
  - Please make sure there is adequate right-of-way at the intersection of Center Street & East Ramsey Parkway to accommodate a round-a-bout or other such roadway treatment that may be proposed; specifically the south leg (60' ROW shown)
  - Are we locked in and have an approved plan for the design & size of Municipal Plaza?
  - Have we officially approved the realignment of Center Street from its current location, including the associated costs for impacts to Sunwood Drive and the existing utilities? If so, can the 60 foot right-of-way accommodate the planned on-street parking proposed?

- Drainage & utility easements are required over Lake Ramsey, and all public water/forebay treatment areas
- Sapphire Street should remain as dedicated public right-of-way
- The municipal well house should be a separate dedicated lot, if not already

### **Development Fees**

**Municipal Water and Sanitary Sewer Trunk (Connection) Charges:** The 2012 *residential* water and sanitary sewer trunk fees are \$2,226.00 and \$1,271 per unit respectively. The 2012 *commercial* water and sanitary sewer trunk fees are \$8,337.00 and \$3,824.00 per acre respectively. Fees will be evaluated with the Preliminary Plat.

**Municipal Water and Sanitary Sewer Lateral Benefit Charges:** Lateral benefit charges will be reviewed at time of Preliminary Plat upon review of the Utility Plan.

**Stormwater Management:** The 2012 *residential* stormwater management fees are \$448.00 per unit. The 2012 *commercial* stormwater management fees are \$4,465.00 per acre. Fees will be evaluated with the Preliminary Plat

**Trail Development Fees:** The 2012 *residential* trail development fee is \$600.00 per unit. The 2012 *commercial* trail development fee is \$1,090.00 per acre. Fees will be evaluated with the Preliminary Plat.

**Park Dedication:** The 2012 *residential* park dedication fee is \$2,475.00 per unit. The 2012 *commercial* park dedication fee is \$4,738.00 per acre. Park Dedication requirements for the plat will be reviewed by the Parks and Recreation Commission, who will forward a recommendation to the City Council. Fees will be evaluated with the Preliminary Plat.

**REU Number:** This property will be subject to a storm water utility charge based upon the amount of impervious surface on the site. The quarterly charge is dependent upon the number of Residential Equivalent Units (REU) calculated for this property. This fee will be determined as individual site plans are brought forward for review and developed.

The Planning Commission will be meeting at 7:00 p.m. on Thursday, June 21, 2012 to review your sketch plan. You, or your representative, are strongly encouraged to attend the meeting in order to answer any questions that may arise. If you have any questions or need additional information, please don't hesitate to call us.

Respectfully,

**CITY OF RAMSEY**

Tim Gladhill  
Senior Planner

**Regular Planning Commission**

**6.3.**

**Meeting Date:** 06/07/2012

**By:** Tim Gladhill, Community Development

Information

Title:

Staff Update

Background:

The following is a brief summary of approvals given in May that may be of interest to the Planning Commission :

*Consider Development Agreement for Makowsky Family Farm, LLC Metes and Bounds Subdivision at 7040 173rd Ln NW.* The City Council approved the Development Agreement with Makowsky Family Farm, LLC.

*Consider Request for a Conditional Use Permit to Process Demolition Concrete in the E-2 Employment District at 6641 141st Ave NW and to Stockpile Sand/Soil on a Vacant Property at 14191 Ebony St NW; Case of Sauter and Sons, Inc .* The City Council approved the request for a CUP as noted above. The City Council also discussed these requests as an interim use versus a conditional use, but no action was taken or direction given to make any modifications to City Code.

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Form Review

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Tim Gladhill (Originator)	Tim Gladhill	06/01/2012 01:21 PM
Form Started By: Tim Gladhill		Started On: 06/01/2012
	Final Approval Date: 06/01/2012	

**Regular Planning Commission**

**6. 4.**

**Meeting Date:** 06/07/2012

**By:** JoAnn Shaw, Community Development

---

**Information**

**Title:**

Zoning Bulletins

**Background:**

Enclosed is a zoning bulletin for your review.

**Notification:**

**Observations:**

**Funding Source:**

**Staff Recommendation:**

**Committee Action:**

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**Attachments**

Zoning Bulletin

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Tim Gladhill	JoAnn Shaw	06/01/2012 03:28 PM
Form Started By: JoAnn Shaw		Started On: 06/01/2012 09:52 AM
		Final Approval Date: 06/01/2012

# Zoning Bulletin

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## Telecommunications—Zoning Board Denies Wireless Carriers Special Exception Application to Construct Wireless Facility

### Wireless carrier argues denial violates the Telecommunications Act of 1996

Citation: *New Cingular Wireless PCS, LLC v. Fairfax County Bd. of Supervisors*, 2012 WL 922435 (4th Cir. 2012)

*The Fourth Circuit has jurisdiction over Maryland, North Carolina, South Carolina, Virginia, and West Virginia.*

VIRGINIA (03/19/12)—This case addressed the issue of whether a county board of supervisors violated the federal Telecommunications Act of 1996 by effectively prohibiting wireless services when it denied a wireless service provider's special exception application to construct an 88-foot telecommunications tower in a residential neighborhood.

**The Background/Facts:** New Cingular Wireless ("AT & T"), contending that it could only provide limited in-building and in-vehicle wireless services in the Fort Hunt area of Fairfax County, Virginia (the "County"), submitted a special exception application to the County's Board of Supervisors (the "Board"). Under the County's zoning ordinance (the "Ordinance"), a party seeking to build a

#### Contributors

Corey E. Burnham-Howard

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telecommunications facility in a residential neighborhood had to submit a special exception application to the Board.

Here, AT & T proposed a facility consisting of a 15-foot tall storage shed and an 88-foot tower disguised as a tree (the "tree monopole"). The facility was to be erected behind a Masonic lodge in an otherwise residential neighborhood, approximately 100 feet from nearby residences.

Under the Ordinance, the Board could approve the special exception application if it was "harmonious with" and would not "adversely affect the use of ... neighboring properties ... ." Under the County's Policy Plan, which comprised a portion of the County's Comprehensive Plan, it was stated that new telecommunications should be located "on properties that provide the greatest opportunity to conceal the telecommunications facilities," and designed to "provide[ ] the least visual impact on residential areas ... ."

Ultimately, the Board denied AT & T's special use exception because it did not conform to the County's Comprehensive Plan or the standards for approval of a special use exception under the Ordinance. In its denial, the Board specifically noted that the proposed facility:

- (1) was to be located 100 feet from two of the neighboring residences;
- (2) would extend thirty-eight feet above the closest tree;
- (3) would rise approximately forty-eight feet above the average height of the existing trees on the adjacent property;
- (4) was to be located on a site containing concrete pads, with only a few trees and a small, grassy area with dense brush;
- and (5) called for supplemental vegetation that, when full grown, would not reach a sufficient height to minimize the tree monopole's visual impact.

The Board also took community opposition into consideration as one of the factors it considered in the denial.

Following the Board's denial of the special exception application, AT & T filed a complaint pursuant to 47 U.S.C.A. § 332(c)(7)(B)(v). It alleged that the Board's decision: violated the "substantial evidence requirement" (§ 332(c)(7)(B)(iii)) of the federal Telecommunications Act of 1996 (the "Act"); and that it amounted to an effective prohibition of wireless services in violation of § 332(c)(7)(B)(i)(II).

Finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the district court issued summary judgment in favor of the Board. The court found the Board "reached a reasonable decision" to deny the special exception application based on a determination that the proposed facility was not in harmony with the Ordinance and the County's Comprehensive Plan. The court also determined that the denial did not amount to an effective prohibition of wireless services in violation of the Act, particularly in light of evidence of the Board's previous approval of numerous zoning applications for telecommunications facilities.

AT & T appealed.

**DECISION: Affirmed.**

The United States Court of Appeals, Fourth Circuit, agreed with the district court. It held that substantial evidence supported the Board's denial of AT & T's special exception application.

In addressing AT & T's argument that the Board had violated the "substantial evidence requirement" of the Act, the court explained that the "substantial evidence requirement" mandates that "[a]ny decision by a State or local government or instrumentality thereof to deny a request to place, construct or modify personal wireless service facilities shall be ... supported by substantial evidence." 332(c)(7)(B)(iii).) In determining that the Board's decision to deny AT & T's application satisfied the substantial evidence requirement, the court explained that "a proposed telecommunications facility's inconsistency with local zoning requirements can be sufficient to establish substantial evidence supporting the denial of a zoning application." The court further noted that "even in the face of conflicting evidence presented by the wireless provider, sufficient evidence may support a board's decision where there is evidence that the proposed facility 'would be inconsistent with' a county's 'Comprehensive Plan' or 'Zoning Ordinance.'"

Here, the court found that the Board had identified a number of ways (listed above) in which AT & T's proposed wireless facility would not be in harmony with the zoning objective and the Comprehensive Plan for that geographic area. Indeed, the court found that the proposed facility was "far from 'provid[ing] the least visual impact on residential areas,'" as required by the County's Policy Plan. When considering at all of the characteristics of the proposal (from distance to neighboring residences, to height of the tree monopole over existing trees, to vegetation at the proposed site), the court found them adequate to support the Board's conclusion that the proposed facility did not satisfy the County's Policy Plan or the standards for approval under the Ordinance.

In rejecting AT & T's argument that the Board's denial of AT & T's special exception application had the effect of prohibiting a carrier from providing personal wireless service in the area, in violation of the Act, the court explained that a zoning board could limit the level of wireless services available without violating the Act; the Act did not guarantee 100% coverage. Moreover, in order for AT & T to prevail on this argument, the court said it had to meet one of two standards: It had to establish (1) that the Board had a general policy that effectively guaranteed the rejection of all wireless facilities; or (2) that the denial of its application for this one particular site was "tantamount" to a general prohibition on service.

Here, in arguing the second theory, the court found that AT & T failed to provide evidence to establish "a lack of reasonable alternative sites" and failed to demonstrate that further reasonable efforts to gain approval for alternative facilities would be "fruitless." Based on this failure of proof, the court found that the summary judgment was properly granted to the Board on AT & T's claim that the Board's denial of its application violated subsection B(i)(II) of the Act.

See also: *AT & T Wireless PCS, Inc. v. Winston-Salem Zoning Bd. of Adjustment*, 172 F.3d 307 (4th Cir. 1999).

See also: *360 degrees Communications Co. of Charlottesville v. Board of Sup'rs of Albemarle County*, 211 F.3d 79 (4th Cir. 2000).

*Case Note:* In its decision, the court also said that if a zoning board denies a permit “based on the reasonably-founded concerns of the community, then undoubtedly there is substantial evidence to support the [board’s] decision.”

## Preemption—Outdoor Advertising Company Argues it Does Not Need County Approval for Billboard

### It contends town ordinance governing billboards preempts county ordinance governing billboards

Citation: *Adams Outdoor Advertising, L.P. v. County of Dane*, 2012 WL 375232 (Wis. Ct. App. 2012)

WISCONSIN (02/02/12)—This case addressed the issue of whether, when a town has enacted an ordinance regulating outdoor advertising (billboards) pursuant to Wis. Stat. § 60.23(29), a permit applicant that is subject to such a Town ordinance is also subject to a County zoning ordinance purporting to regulate the same outdoor advertising sign. More specifically, the issues addressed were: (1) whether, in addition to its authority to regulate billboards under Wis. Stat. § 59.70(22), a county has the authority to regulate billboards pursuant to its general zoning authority under Wis. Stat. § 59.69(4), and, if so, (2) whether a town ordinance enacted pursuant to the town billboard statute (Wis. Stat. § 60.23(29)) preempts a county’s billboard ordinance enacted under the general zoning statute (Wis. Stat. § 59.69(4)).

**The Background/Facts:** Adams Outdoor Advertising, L.P. (“Adams”) constructed an advertising billboard on a highway located in the Town of Madison (the “Town”) in Dane County (the “County”). Prior to constructing the billboard, Adams sought and obtained permits from the Town and from the Wisconsin Department of Transportation to construct the billboard. Adams did not seek a permit from the County.

After the County apparently cited Adams for not obtaining a County permit for the billboard, Adams brought a declaratory judgment action in circuit court. Adams asked the court to clarify whether it was required to obtain a billboard construction permit from the County.

Adams argued that it was not required to obtain a permit from the County to construct the billboard. Among other things, it argued that the County lacked legal authority to regulate advertising signs (billboards) that fell within the regulatory jurisdiction of the Town. It contended that the Town’s billboard ordinance preempted the County’s billboard ordinance.

In support of its position, Adams pointed to Wisconsin statutory law, § 59.70(22), which provides that County boards may regulate billboards by ordinance, but that “[s]uch ordinances shall not apply within cities, villages and

towns which have enacted ordinances regulating the same subject matter.” The town had enacted a billboard ordinance pursuant to its authority granted under Wis. Stat. § 60.23(29).

The County claimed that its authority to regulate billboards was not preempted by the Town’s billboard ordinance. The County contended that counties had the authority to regulate billboards pursuant to Wis. Stat. §§ 59.69(4) and 59.70(22). It argued that since it had enacted its billboard ordinance pursuant to its general zoning authority under Wis. Stat. § 59.69(1) and (4), and not under § 59.70(22), the Town’s billboard ordinance did not preempt the County’s billboard ordinance.

Finding there were no material issues of fact in dispute, and deciding the matter on the law along, the circuit court granted summary judgment in favor of Adams. The circuit court concluded that when, as here, a town has enacted a billboard ordinance under § 60.23(29), that ordinance preempts a county billboard ordinance enacted under the more general authority conferred in the county zoning statute, § 59.69. The circuit court granted declaratory relief in favor of Adams.

The County appealed.

**DECISION: Reversed.**

The Court of Appeals of Wisconsin held that a county has authority under both Wis. Stat. §§ 59.69(1) and (4) and 59.70(22) to enact ordinances regulating billboards and other similar structures. The court further held that, where, as in this case, a town approves a county zoning ordinance that includes a billboard ordinance enacted pursuant to the procedures set out in Wis. Stat. § 59.69(5)(c), the town’s billboard ordinance adopted under the town billboard statute does not preempt a county’s general zoning authority to regulate billboards in that town. Consequently, the court concluded that, under the facts of this case, the Town’s billboard ordinance did not preempt the County’s billboard ordinance.

In so holding, the court interpreted the statutes according to their plain meaning. The court interpreted the statute granting general zoning authority to counties—§ 59.69(4)—as conferring zoning authority to counties to regulate “structures” which include billboards. Thus, the court concluded that the County could, under its general zoning authority granted by § 59.69(4), regulate the construction and maintenance of billboards within its geographic limits.

Although the statutory scheme for local regulation of billboards did contain preemption language, that language applied only to county billboard ordinances enacted under Wis. Stat. § 59.70(22), said the court. In contrast, the court found that neither Wis. Stat. § 59.69 (granting general zoning authority to counties, including over billboards) nor Wis. Stat. § 60.23(29) (granting towns zoning authority over billboards) contained preemption language. Thus, based on this statutory construction, the court concluded that “there is nothing that precludes a county, pursuant to its zoning authority, from regulating billboards in a town that has approved the county’s pertinent zoning ordinance, even if the town has enacted its own billboard ordinance under the town billboard statute.”

The court concluded that, under the facts of this case—where the Town had approved the County’s zoning ordinance, including the portion of the ordinance governing billboards and enacted under its general zoning authority pursuant to

§ 59.69(4)—the Town’s billboard ordinance did not preempt the County’s billboard ordinance. The County and the Town, found the court, shared regulatory authority over billboards located on property that abuts the subject highway maintained by the Town.

See also: *Kocken v. Wisconsin Council 40, AFSCME, AFL-CIO*, 2007 WI 72, 301 Wis. 2d 266, 732 N.W.2d 828, 182 L.R.R.M. (BNA) 2592, 154 Lab. Cas. (CCH) P 60438 (2007).

See also: *State ex rel. Hensley v. Endicott*, 2001 WI 105, 245 Wis. 2d 607, 629 N.W.2d 686 (2001).

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*Case Note:* Among other things, Adams had argued that, under the statutory rule of construction, the more specific statutes—§§ 59.70(22) and 60.23(2)—should have controlled over the more general statute—§ 59.69(4). The court said that, generally speaking, the rule of statutory construction that a more specific statute controls over a more general statute applies where two or more statutes on the same subject conflict. Here, the court found that Adams had failed to show that interpreting § 59.69(4) as permitting the regulation of billboards conflicted with §§ 59.70(22) and 60.23(29). Rather, found the court, “these statutes complement each other.”

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## Notice—City Adopts Ordinance Designating Downtown as Historic District

### In enacting ordinance, City fails to provide actual notice to property owners in proposed district

Citation: *New Albany Historic Preservation Com’n v. Bradford Realty, Inc.*, 2012 WL 965565 (Ind. Ct. App. 2012)

INDIANA (03/22/12)—This case addresses the issue of whether a property owner is entitled to actual notice of the potential designation of a historic district, which encompasses his or her property.

**The Background/Facts:** In 1999, the City of New Albany (the “City”) adopted a historic preservation ordinance. Among other things, the ordinance clarified the powers and duties of the New Albany Historic Preservation Commission (“HPC”). It also instituted guidelines for the creation of historic districts, and elaborated on the procedures for modification and construction of structures within a historic district. The regulatory provisions of the ordinance required the owner of property in a historic district to request a Certificate of Appropriateness (“COA”) from the HPC prior to commencing work on most external modifications of the property.

In 2002, the City proposed an ordinance to designate the downtown district as a historic district. The City published a notice of public meeting on the issue

of the public designation in the local newspaper, and then held the public meeting. Neither the City nor the HPC gave actual notice of the hearing to owners of property located within the proposed boundaries of the historic district. On July 1, 2002, the ordinance designating the City's downtown a historic district (the "Ordinance") was adopted by the City's Council.

In 2008, Bradford Realty, Inc. ("Bradford") decided to repair the exterior of a house it owned and had used as income property since 1966. Bradford began to replace the original wood clapboard siding with "vinyl siding ... of the same color and approximate same width." The HPC soon sent a letter to Bradford notifying it that, since the property was in the downtown historic district, it needed a COA before proceeding with an exterior modification of the property. Bradford disagreed but applied for a COA under protest. Eventually, the HPC denied Bradford's COA application based on its finding that the utilization of vinyl siding was inconsistent with the HPC design guidelines.

Bradford then filed a Complaint for Declaratory Judgment against the HPC and City (collectively, "NAHPC"). Bradford alleged that NAHPC violated Bradford's due process rights because Bradford was not given actual notice of the enactment of the historic district. Bradford asked the court to declare the Ordinance void.

Finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the circuit court issued summary judgment in favor of Bradford on its due process violation claim.

The NAHPC appealed. On appeal, the NAHPC argued that the enactment of the Ordinance was a legislative act which did not fall within the purview of the due process requirements of the 14th Amendment. Therefore, it contended, Bradford was not entitled to actual notice of the Ordinance.

Bradford countered that the Ordinance amounted to an adjudicative or administrative act, and thus required actual notice.

**DECISION:** Reversed in part, and affirmed in part.

The Court of Appeals of Indiana held that Bradford was not entitled to actual notice of the City's Ordinance designating the downtown as a historic district. The court said this was because the enactment of the Ordinance was a legislative act, not an adjudicatory act. Therefore, the court found it did not fall within the purview of the due process requirements of the 14th Amendment to the United States Constitution.

The court explained that the 14th Amendment provides that "[n]o state ... shall ... deprive any person of life, liberty, or property without due process." At a minimum, said the court, those "words of the Due Process Clause ... require that deprivation of ... property *by adjudication* be preceded by notice and opportunity for hearing appropriate to the nature of the case."

Thus, in determining whether actual notice should have been given to Bradford, the court had to determine whether the ordinance was a legislative or adjudicative act. If it was an adjudicative act, it required actual notice, and if it was legislative, it did not.

Although the court recognized that the "line between legislation and adjudication is not always easily drawn," the court explained that: "[l]egislation is prospective in effect and, more important, general in its application."

Here, the court found that the City's Ordinance enacting the downtown district as historic was prospective and general in nature. The Ordinance purported to regulate only future conduct to be consistent with the provisions of the historic preservation ordinance; it did not impose fines for past behavior or require past improvements to be modified in any way. Moreover, the court found the Ordinance was generally and equally applicable to all property owners within its boundaries. "Merely because the historic district [did] not encompass the entirety of [the City] [did] not diminish its general character," said the court.

Accordingly, the court concluded that the City's enactment of the Ordinance was a legislative act which did not fall within the purview of the due process requirements of the 14th Amendment. On this ground, the court reversed the circuit court's grant of summary judgment in favor of Bradford, and granted summary judgment to NAHPC.

See also: *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 70 S. Ct. 652, 94 L. Ed. 865 (1950).

See also: *L C & S, Inc. v. Warren County Area Plan Com'n*, 244 F.3d 601 (7th Cir. 2001).

See also: *Krimendahl v. Common Council of City of Noblesville*, 256 Ind. 191, 267 N.E.2d 547 (1971).

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**Case Note:** The appellate court also found that Bradford's replacement of the wood siding with vinyl siding was a visible, conspicuous change in the exterior of the appearance, requiring a COA under the City's historic preservation ordinance.

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**Case Note:** Bradford had also asked the court to find that the Ordinance was a regulatory taking of its property. The appellate court refused to do so, finding the Ordinance did not prohibit improvements or maintenance on existing structures; it merely regulated the manner in which the improvements or maintenance was to be performed.

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## Standing—Abutting Property Owners Challenge Issuance of Building Permit to Neighbor

### Neighbor argues abutters are not "persons aggrieved" and therefore lack standing to bring challenge

Citation: *81 Spooner Road, LLC v. Zoning Bd. of Appeals of Brookline*, 461 Mass. 692, 2012 WL 899046 (2012)

MASSACHUSETTS (03/20/12)—This case addressed the requirements for standing as a "person aggrieved" to maintain an action for judicial review of a decision of a zoning board of appeals. It also addressed what evidence a defendant must

produce, in the context of summary judgment, to rebut successfully the presumption of standing afforded to an abutting property owner.

**The Background/Facts:** George P. Fogg (“George”) lived in a single-family home at 91 Spooner Road in Brookline, Massachusetts (the “Town”). George’s mother, Frances, lived in a single-family home at 61 Spooner Road. Their properties were located on either side of and abutted the property at 81 Spooner Road (the “subject property”).

On June 30, 2004, 81 Spooner Road, LLC (the “Developer”), purchased the subject property. The Developer later obtained approval from the Town’s planning board to subdivide the subject property into two lots—81 and 71 Spooner Road. Thereafter, the Developer sold 81 Spooner Road and retained the newly created 71 Spooner Road. The Developer then sought and obtained a construction permit from the Town’s building commissioner, allowing the construction of a two-story single-family house at 71 Spooner Road.

George and Frances (collectively, the “Foggs”) challenged the issuance of the building permit. Among other concerns, they asserted that, construction of the house at 71 Spooner Road violated the density provisions of the Town’s zoning bylaw.

The Town’s zoning board of appeals (the “Board”) determined that the building permit should be rescinded.

After the issue of the Foggs’ standing (i.e., ability to maintain the action for judicial review of the Board’s decision)—which was raised by the Developer—was eliminated on summary judgment, the trial court affirmed the Board’s decision on the merits.

The Developer appealed. The Appeals Court affirmed the judgments, both as to standing and the underlying merits.

The Developer again appealed. The Developer’s sole argument on appeal focused on the Foggs’ standing. The Developer argued that the Foggs did not have standing to challenge the building commissioner’s decision before the Board because they were not “aggrieved” persons.

**DECISION: Affirmed.**

The Supreme Judicial Court of Massachusetts held that the Foggs were “aggrieved” persons with standing to challenge the building commissioner’s decision to issue a building permit for 71 Spooner Road.

In so holding, the court addressed both the requirements for: achieving “persons aggrieved” status; and what evidence a defendant must produce, in the context of summary judgment, to rebut successfully the presumption of standing afforded to an abutting property owner.

The court explained that under Massachusetts’ Zoning Act, G.L. c. 40A, only a “person aggrieved” has standing to challenge a decision of a zoning board of appeals. A “person aggrieved,” further explained the court, is one who “suffers some infringement of his legal rights.” The rights or interests that are allegedly infringed must be rights or interests that the Zoning Act is intended to protect, either explicitly or implicitly. Moreover, the alleged aggrievement must be more than a minimal or slightly appreciable harm.

The court further explained that abutters, like the Foggs, are entitled to a rebuttable presumption that they are “aggrieved” persons under the Zoning Act, and therefore, have standing to challenge a decision of a zoning board of appeals. Under such circumstances, the adverse party—here the Developer—can challenge the abutter’s presumption of standing by offering evidence “warranting a finding contrary to the presumed fact,” said the court. Such evidence that a defendant like the Developer must produce to rebut the abutters’ presumption of standing include showing either: (1) that, as a matter of law, the claims of aggrievement raised by the abutter are not interests that the Zoning Act is intended to protect; and/or (2) credible affirmative evidence refuting the presumption of standing—showing a finding contrary to the presumed fact (e.g., such as affidavits of experts establishing that the abutter’s allegations of harm are unfounded or de minimis).

Here, the court found that the Foggs, as abutters, enjoyed a presumption of standing to challenge the issuance of the building permit to the Developer. The court further found that the Developer failed to adequately rebut that presumption.

The court acknowledged that, because the issue of standing was raised in the summary judgment context, the Developer was not required to present affirmative evidence that refuted the Foggs’ basis for standing. It would be enough if the Developer could show that the Foggs had no reasonable expectation of proving a legally cognizable injury. If the Foggs had acknowledged during discovery a lack of substantive evidence to establish a legally cognizable injury, the Developer could have relied on those admissions to rebut the Foggs’ presumption of standing. The Developer attempted to do that here by relying on the Foggs’ testimony in which the Foggs arguably struggled to describe their injuries. However, the court found that the Foggs had not acknowledged a lack of substantive evidence to establish a legally cognizable injury. Rather, the court found that they alleged a legally cognizable injury: “Although not versed in the terminology of zoning law, the Foggs’ testimony clearly indicate[d] that one of their allegations of aggrievement was that construction of the house at 71 Spooner Road violated the density provisions of the zoning bylaw.” As such, the Developer could only rebut the Foggs’ presumption of standing by presenting independent evidence that would warrant a finding of no aggrievement. The court found the Developer failed to do so.

See also: *Standerwick v. Zoning Bd. of Appeals of Andover*, 447 Mass. 20, 849 N.E.2d 197 (2006).

See also: *Marinelli v. Board of Appeals of Stoughton*, 440 Mass. 255, 797 N.E.2d 893 (2003).

## Zoning News from Around the Nation

### MARYLAND

Under legislation proposed by Governor Martin O’Malley and intended to curb growth in rural areas, limits would be placed on where septic systems could be installed. Counties would be required to designate land into four tiers: “The first and second would allow development and be on sewer systems or be in areas

where sewers are planned. The third tier would allow some development in rural areas and the fourth tier would be mostly off-limits for building." Under a recently introduced amendment to the legislation, counties (and not the state as originally proposed) would have the final say as to how county land is categorized.

Source: *The Baltimore Sun*; <http://articles.baltimoresun.com>

## MASSACHUSETTS

A bill pending before the Joint Committee on Transportation "would mandate that the MBTA receive local approval from cities and towns prior to placing above ground advertisements in the communities [in which] the station is located." The bill reportedly may conflict with a 2008 Massachusetts Supreme Judicial Court decision that ruled that the MBTA's advertisements on MBTA property were not subject to the communities' zoning regulations.

Source: [www.boston.com](http://www.boston.com)

## MISSOURI

The state House of Representatives have given first-round approval in a voice vote to legislation that would declare that farmers have a "right to raise livestock." Under the legislation, livestock farmers "would not have to comply with local, state or federal laws" (zoning, environmental, or other) enacted after the farm goes into business or August 28, 2012, whichever is later. The bill must be approved once more by the House before it goes to the Senate.

Source: *Columbia Daily Tribune*; <http://www.columbiatribune.com>

## NEW JERSEY

The New Jersey Appellate Division recently found that Governor Chris Christie had acted illegally in abolishing the New Jersey Council on Affordable Housing.

Source: *Star-Ledger*; <http://blog.nj.com>