

City of Ramsey
Agenda
Regular Planning Commission
Thursday December 6, 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 October 4, 2012
- 5. Note City Council Minutes**
 1. Note the Following City Council Meeting Minutes:
City Council Meeting Minutes Dated August 13, 2012
City Council Meeting Minutes Dated August 28, 2012
City Council Meeting Minutes Dated September 11, 2012
City Council Meeting Minutes Dated September 25, 2012
City Council Meeting Minutes Dated October 9, 2012
City Council Meeting Minutes Dated October 23, 2012
- 6. Public Hearing/Commission Business**
 1. Request for Sketch Plan Review of Seasons of Ramsey; Case of The Seasons of Ramsey Limited Partnership
 2. Staff Update
 3. Zoning Bulletins
- 7. Commission/Staff Input**
- 8. Adjournment**

Regular Planning Commission

4. 1.

Meeting Date: 12/06/2012

By: JoAnn Shaw, Community Development

Information

Title:

Approve the Following Planning Commission Meeting Minutes:

Planning Commission Meeting Minutes Dated October 4, 2012

Background:

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

10.04.12 Meeting Minutes

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	11/30/2012 11:26 AM
Form Started By: JoAnn Shaw		Started On: 11/28/2012 04:03 PM
	Final Approval Date: 11/30/2012	

**PLANNING COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey Planning Commission conducted a regular meeting on Thursday, October 4, 2012, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Gary Levine
 Commissioner Randy Bauer
 Commissioner Ralph Brauer
 Commissioner Joseph Field
 Commissioner Gary Van Scoy

Members Absent: Commissioner Jessica Perez
 Commissioner Robert Schiller

Also Present: Development Services Manager Timothy Gladhill
 Assistant Planner/Environmental Coordinator Chris Anderson
 Planning Consultant Tina Goodroad

1. CALL TO ORDER

Chairperson Levine called the regular meeting to order at 7:03 p.m.

2. CITIZEN INPUT

None.

3. APPROVAL OF AGENDA

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

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

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Meeting Minutes Dated September 6, 2012

Motion by Commissioner Brauer, seconded by Commissioner Van Scoy, to approve the following minutes as presented: Planning Commission Meeting Minutes dated September 6, 2012.

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

5. NOTE CITY COUNCIL MINUTES

5.01: Note the Following City Council Meeting Minutes:

5.01.1: City Council Meeting Minutes Dated July 10, 2012

5.01.2: City Council Meeting Minutes Dated July 24, 2012

Informational; no action required.

6. PUBLIC HEARINGS/COMMISSION BUSINESS

6.01: Public Hearing: Request for a Conditional Use Permit for Motor Vehicle, Implement, and Recreation Equipment Sales and Service at 7815 Riverdale Drive NW: Case of DSB Ventures, LLC

Public Hearing

Chairperson Levine called the public hearing to order at 7:05 p.m.

Presentation

Senior Planner Gladhill presented the staff report. He indicated the City has received a conditional use permit (CUP) application from DSB Ventures, LLC, to allow motor vehicle, implement, and recreation equipment sales and service for Lake Region RV's, Inc. at 7815 Riverdale Drive NW. The subject property consists of two (2) separate parcels totaling 2.65 acres and the building is currently occupied by Canvas Craft. The site has not been used for motor vehicle sales and service. He explained the City has spoken with the applicant about the closure of Alpaca Street. Staff recommends approval of the CUP request.

Citizen Input

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

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

Chairperson Levine closed the public hearing closed at 7:09 p.m.

Commission Business

Motion by Commissioner Bauer, seconded by Commissioner Van Scoy, to recommend that City Council adopt a Resolution approving Findings of Fact relating to the request for a Conditional Use Permit.

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

Motion by Commissioner Brauer, seconded by Commissioner Van Scoy, to recommend that City Council approve the request for a Conditional Use Permit for Motor Vehicle, Implement, and Recreation Equipment Sales and Service at the Subject Property, contingent upon compliance with the Staff Review Letter dated September 28, 2012.

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

6.02: Public Hearing: Request for Site Plan and Conditional Use Permit Approval for Motor Fuel Sales and Car Wash for a Super America Located in the COR TWO Subdivision; Case of West Real Estate and Management Inc.

Public Hearing

Chairperson Levine called the public hearing to order at 7:11 p.m.

Presentation

Associate Planner/Environmental Coordinator Anderson presented the staff report. He explained the City has received application for site plan approval and a conditional use permit for a proposed retail convenience store with motor fuel sales and an accessory commercial car wash. The property is zoned COR-2b in which retail uses are permitted and motor fuel sales and accessory car washes are conditional uses. The site is approximately 1.25 acres in size and is located at the southwest corner of Sunwood Drive. The proposal includes four motor fuel islands with a total of eight individual fuel dispensers. Associate Planner/Environmental Coordinator Anderson entered revised site plan drawings and narrative into record.

Associate Planner/Environmental Coordinator Anderson commented that Staff has requested the applicant enhance the exterior street facing elevations of the proposed building to create a greater street presence. Another concern for the site was the maneuverability of gas trucks on the site. He explained that revised plans were submitted by the applicant to City Staff. These plans were discussed with the Commission in detail. He noted the applicant has requested operation of the site be 24 hours. Staff recommended approval of both the conditional use permit and the site plan, based on the new plans.

Citizen Input

Jim Winkles, Amcon Construction Company, thanked Staff for working with him on the project. He was excited about the new development in this area and looked forward to completing this project in the City of Ramsey.

Chairperson Levine asked if the Fire Chief had signed off on this project.

Associate Planner/Environmental Coordinator Anderson commented that the Fire Marshal had reviewed the plans submitted and had expressed no concerns at this time.

Commissioner Bauer questioned if the placement of the underground tanks were a concern.

Associate Planner/Environmental Coordinator Anderson stated the Engineer Division did not note any concerns with the tank placement as part of their review.

Chairperson Levine was pleased with the architectural enhancements proposed for the building.

Commissioner Van Scoy agreed stating the renderings were very well done. He then requested further clarification on the location of Lots 3, 4 and 5.

Associate Planner/Environmental Coordinator Anderson explained the applicant would not need shared parking and would be located on Lot 5. He noted Lots 3 and 4 would have shared parking provisions.

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

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

Chairperson Levine closed the public hearing closed at 7:29 p.m.

Commission Business

Motion by Commissioner Bauer, seconded by Commissioner Field, to recommend that City Council adopt a Resolution approving Findings of Fact relating to the request for a Conditional Use Permit.

Further discussion

Chairperson Levine requested further information from staff on the location of this site in the COR.

Development Services Manager Gladhill reviewed this site location with the Commission.

Commissioner Brauer recalled that Coborn's requested a car wash near this location in the past. He questioned why the City was now recommending approval of a car wash at this location.

Development Services Manager Gladhill commented the original COR master plan was more restrictive. However, as this plan progressed and was revised, auto oriented uses were allowed.

Commissioner Brauer asked if the proposed fence and shrubbery constituted street orientation.

Associate Planner/Environmental Coordinator Anderson explained a portion of the proposed building does fall within the build to line, along with the fencing and shrubbery. This was permitted to meet the 40% threshold within the build to line. He understood that decorative fencing did not replace the build to line.

Development Services Manager Gladhill commented that the changes to Sunwood Drive changed this area greatly. He explained he had reservations at first with this proposed site plan; however, the revised plans met City requirements.

Commissioner Brauer commended the developer for working with Staff to meet the City's requirements. He suggested the Commission review the percentage of building to fence ratio in the future.

Development Services Manager Gladhill stated Staff would be making adjustments to the design framework guidelines with each plan that came through the City for approval. He recommended the Commission review these details further over the coming winter months.

Commissioner Van Scoy asked if the framework was consistent with each sub-district within the COR.

Development Services Manager Gladhill explained the framework did vary within each sub-district and depending on the adjacent roadways. There is now a hierarchy of streets within the COR and that has a bearing on the percentage.

Friendly Amendment

Commissioner Brauer offered a friendly amendment to the Findings of Fact that the recommendation for findings favorable to the applicant is in part due to the uniqueness of the lot and design constraints. In addition, Commissioner Brauer stated that the Findings of Fact should also note that due to recent zoning changes (date specific), they are recommending approval of the car wash, to avoid any conflict with Coborn's past request for a conditional use permit for an accessory car wash that he recalled as being denied.

Commissioner Bauer and Field accepted the friendly amendment.

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

Motion by Commissioner Bauer, seconded by Commissioner Field, to recommend that City Council adopt findings of fact favorable to the applicant and to approve the request for a Conditional Use Permit for motor fuel sales and an accessory car wash, allowing for 24 hour operation, contingent upon compliance with the Staff Review Letter dated September 28, 2012.

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

Motion by Commissioner Bauer, seconded by Commissioner Van Scoy, to recommend that City Council approve the proposed site plan, contingent upon compliance with the Staff Review Letter dated September 28, 2012.

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

6.03: Public Hearing: Request for Sketch Plan Review of NORTHGATE ADDITION (minor Plat) and Request for Site Plan Review and Conditional Use Permit for Northgate Performing Arts Center at the North East Intersection of Sunwood Drive and Peridot Street; Case of PSD, LLC and Northgate Church

Public Hearing

Chairperson Levine called the public hearing to order at 7:45 p.m.

Presentation

Planning Consultant Goodroad presented the Staff report. She explained Northgate Church is proposing construction of a performing arts center that will include 504 auditorium seats, two classrooms, along with a nursery and lobby areas on the property for the parcel located on the northeast corner of Sunwood Drive and Peridot Street NW. Northgate Church is requesting Sketch Plan Review of NORTHGATE ADDITION (Minor Plat) along with site plan review and a conditional use permit for the proposed Northgate Performing Arts Center. In order to accommodate the request, the parcel must be platted as part of the request for NORTHGATE ADDITION.

Planning Consultant Goodroad explained the subject property is zoned Mixed Use and is located within the COR3 sub-district. Institutional uses are allowed as a conditional use. The proposed structure is 15,242 square feet in size with a future expansion area identified on the site plan immediately north of the proposed structure of approximately 13,000 square feet. Staff reviewed the proposed site plan in detail with the Commission. She discussed a proposed street presence to meet the 60% standard along Sunwood Drive.

Planning Consultant Goodroad discussed the parking issues with this site noting shared parking would be needed on Sunday mornings and Wednesday nights. City requirements call for a total

of 101 parking stalls and the applicant is proposing 43 stalls. In addition, 40 proof of parking stalls (on-site) and 25 on street parking stalls were available to fulfill the parking requirements. She noted it was the intent in the COR that sites minimize surface parking and create strategies for shared parking between adjacent users particularly when taking advantage of peak and off peak parking cycles. Staff is generally supportive of the use of on-street parking for the proposed use, as no parking structures were planned in this area.

Planning Consultant Goodroad discussed the parking situation in further detail stating the City could require proof of parking to be installed with Phase I due to lack of legally recordable shared parking agreements to meet City requirements of the COR Design Framework. However, another option would be for the City to accept the proof of parking plan with a condition that at such time that parking demand is beyond what is provided on-site and the 25 accepted on-street parking stalls, and extending into additional on-street parking areas beyond 300' radius of the site, such proof of parking shall be installed at the applicants expense. Staff recommended that Phase 2 construction not move forward without recordable cross-parking agreements in place.

Planning Consultant Goodroad reviewed the proposed building elevations with the Commission. She noted the building was a nice blend of brick, windows, metal and pre-cast material. The proposed materials met City requirements. Staff recommended approval of the site plan and conditional use permit. Planning Consultant Goodroad entered revised architectural drawings into record.

Citizen Input

Wayne Skaff, Pastor of Northgate Church, 15407 Krypton Street, explained that Northgate Church began meeting in 2010 at the PACT School. He commented the church was determined to build a 21st century building in the COR of Ramsey. He discussed the need for the church to share parking space with its adjacent neighbors and then reviewed the amenities within the proposed building. He hoped the performing arts center would be utilized by the entire community for meetings, concerts and training. Mr. Skaff anticipated that Phase 2 would begin in a short time and requested the proof of parking not be required at this time.

Commissioner Field inquired the intention of the church at this time with the proof of parking.

Mr. Skaff stated it would be his intent to leave the Phase 2 site vacant at this time and not create the additional parking north of the building. He noted he had verbal parking agreements with PACT and was pursuing an agreement with Allina. He explained he had approximately 300 parking stalls within a very short walk of the proposed building.

Commissioner Van Scoy requested the verbal agreements become written.

Mr. Skaff explained the Board of Directors at PACT passed a motion and signed an agreement approving cross parking. This would make 104 parking stalls available to Northgate. He noted he had verbal agreements with NAU and Allina at this time. Both were willing to draft written

agreements after the proposed plans were approved. Mr. Skaff understood that if the site had inadequate parking, Northgate would be responsible for adding the proof of parking.

Development Services Manager Gladhill stated he received a copy of the agreement from PACT. The document was not in recordable form at this time and Staff would work with Northgate to resolve this issue.

Commissioner Van Scoy commented if even more parking spaces would be necessary after the completion of Phase 2.

Mr. Skaff explained the Phase 2 would be used for education space that would be shared jointly with PACT. He noted the space would be used on Sundays for education but did not anticipate an increase in the parking needs.

Planning Consultant Goodroad commented the proposed use for Phase 2 was less intense; however, the City cannot make a determination on the parking needs for that space at this time. She indicated the performing arts space had a much higher parking need.

Commissioner Van Scoy was pleased with the proposed use. He asked if religious uses had different parking standards and how these parking standards would be addressed when Phase 2 was started.

Development Services Manager Gladhill commented a parking analysis would have to be completed once Phase 2 was brought to the City. He commented Staff would make a consideration for this use based on the fact there were offsetting uses with varying hours of operation, which would assist in meeting the parking requirements.

Commissioner Brauer commended Northgate on creating a fine arts building that would be available to the residents in the City of Ramsey. He questioned if the site would have any restrictions on events allowed within the performing arts center.

Mr. Skaff indicated the site would only allow family friendly events.

Commissioner Bauer asked how the site would accommodate funerals during the weekdays.

Mr. Skaff stated in the last two and a half years, the church has had one funeral. He commented the funeral could be held in the evening hours if necessary or during the day, for a smaller family event.

Motion by Commissioner Brauer, seconded by Commissioner Field, to close the public hearing.

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

Chairperson Levine closed the public hearing closed at 8:20 p.m.

Commission Business

Motion by Commissioner Van Scoy, seconded by Commissioner Field, to recommend that City Council adopt a Resolution approving Findings of Fact relating to the request from Northgate Church.

Further discussion

Commissioner Brauer requested an amendment to the Findings of Fact stating the performing arts center would only be used for family friendly events.

Development Services Manager Gladhill suggested the Commission use caution on this amendment as there were Ordinances in place to address certain uses.

Commissioner Brauer withdrew his friendly amendment.

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

Motion by Commissioner Field, seconded by Commissioner Van Scoy, to recommend that City Council approve the Conditional Use Permit contingent upon compliance with the City Staff Review Letter dated September 20, 2012.

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

Motion by Commissioner Van Scoy, seconded by Commissioner Bauer, to recommend that City Council approve the Site Plan contingent upon compliance with the City Staff Review Letter dated September 20, 2012.

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

Development Services Manager Gladhill requested a recess at this time to allow Staff time to reset exhibits for the upcoming Staff reports.

Chairperson Levine recessed the meeting at 8:25 p.m.

Chairperson Levine reconvened the meeting at 8:36 p.m.

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

Public Hearing

Chairperson Levine called the public hearing to order at 8:36 p.m.

Presentation

Senior Planner presented the staff report. He requested the Commission consider an Ordinance to amend City Code Section 117-118 (The COR) approving an amendment to the COR Design Framework related to off-street parking, signs, parks and trails, and sub-district boundaries. Staff reviewed the proposed revisions in detail with the Commission and recommended approval of the proposed Ordinance, which includes the revised Design Framework and Master Sign Plan.

Citizen Input

Commissioner Bauer asked if shared parking was addressed in this framework.

Development Services Manager Gladhill commented this was a fundamental guideline throughout the entire COR.

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

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

Chairperson Levine closed the public hearing closed at 8:50 p.m.

Commission Business

Commissioner Bauer questioned if the proposed tenant signs would be able to be shared between more than three users.

Development Services Gladhill commented the retail gateway signs were proposed to have three tenants; however, the three signs could be split in half and allow for signage for up to six businesses.

Commissioner Brauer asked if the signs should be overbuilt to assure there was enough signage for future businesses.

Development Services Manager Gladhill discussed the proposed signage in further detail with the Commission noting Staff was proposing 150 square feet for tenant signs, along with wall signs.

Commissioner Field inquired if the retail gateway signs would be split up by lots or tenants.

Development Services Manager Gladhill explained the framework would allow for community gateway signs to be 150 square feet per lot. This would be broken down to 50 square feet per user or tenant.

Commissioner Brauer commented he was in favor of the kiosks.

Commissioner Van Scoy asked if the COR would have enough parking if several intense uses move into the area.

Development Services Manager Gladhill indicated a parking study was completed which explored some of these concerns. He noted the restaurants would have more surface parking than retail. He stated the area should have sufficient parking based on the requirements within the framework.

Commissioner Field was pleased with the restaurant parking recommendations.

Commissioner Brauer suggested the signage square footage for the retail gateway signs be increased from 150 square feet to 200 square feet. He commented this would allow for greater flexibility in the future.

Development Services Manager Gladhill indicated this could be done, but the general aesthetics should be considered. He stated future tenants could also pursue a larger sign size through the CUP process.

Commissioner Field questioned how many kiosk signs would be located in the COR. He suggested the scale of these signs be reduced to lower the expense of the proposed kiosk signs.

Development Services Manager Gladhill noted there were three kiosk signs proposed for the COR. He then reviewed the proposed location of these signs. He explained the stone used would be a precast material to reduce expenses. He indicated the monument signs would be high quality, consistent throughout the development and would assist pedestrian traffic traveling through the COR.

Chairperson Levine indicated the proposed location of the kiosk signs would serve future pedestrian traffic well.

Commissioner Van Scoy inquired if the Central Anoka County Regional Trail would be rerouted to run through the COR. He asked Staff for a visual of the trail location. He then asked if the sub-district boundaries would be redone.

Development Services Manager Gladhill explained the trail was previous discussed by the Council and a revised map was included in the framework draft. He noted the Mississippi skyway would tie into the proposed ramp and would be explored further with the Metropolitan Council. He then reviewed the area of change within the sub-district boundaries with the Commission and discussed a more detailed map of the COR. He noted the preferred alignment

of the regional trail was designated on the map to assist the City in gaining future dollars to assist with the realignment.

Commissioner Van Scoy questioned where the trail would cross Highway 10.

Development Services Manager Gladhill described the location with the Commission stating this would be a key connection.

Motion by Commissioner Bauer, seconded by Commissioner Field, to recommend that City Council adopt the proposed ordinance amending City Code Section 117-118, which includes the revised Design Framework and Master Sign Plan, redefining the sub-district boundaries between 2A and 2B, along with revising the restaurant seating requirements.

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

6.05: Public Hearing: Consider Ordinance to Amend City Code Chapter 117, Article II, Division 8 (Signs) Related to Temporary, Construction, Real Estate, and Off-Premise Signs

Public Hearing

Chairperson Levine called the public hearing to order at 9:25 p.m.

Presentation

Development Services Manager Gladhill presented the staff report. He requested the Commission consider an Ordinance amendment related to temporary, construction, real estate and off-premise signs. The last major revision to the City's Sign Code was completed in 2008. This revision was completed in response to a Minnesota Supreme Court ruling regarding a local Minnesota city's ordinance and content-based regulation. Since that time, the City has processed two (2) minor adjustments to the Sign Code.

Development Services Manager Gladhill reviewed the proposed recommendations noting it was Staff's intention to provide a more flexible set of standards that better matches the community's goals and objectives. He further discussed the proposed revisions to the sign code with the Commission and recommended approval of the ordinance amendment.

Citizen Input

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

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

Chairperson Levine closed the public hearing closed at 9:30 p.m.

Commission Business

Commissioner Brauer appreciated Staff's concern in addressing the changing technology and how this would affect signage.

Commissioner Van Scoy requested further information on construction signs.

Development Services Manager Gladhill explained that construction signs were those signs posted at a construction site for safety purposes, along with announcing what would be locating at the site. He indicated these signs were tied to a building permit and would be removed after construction was complete.

Associate Planner/Environmental Coordinator Anderson commented that construction signs were temporary in nature.

Motion by Commissioner Brauer, seconded by Commissioner Van Scoy, to recommend that City Council adopt the ordinance amending City Code Chapter 117, Article II, Division 8 (Signs).

Further discussion

Commissioner Field asked if the Commission should consider real estate signs further prior to approving this motion.

Development Services Manager Gladhill stated as the ordinance was drafted the City would not be restricting real estate signs. The code would remain flexible on this issue. He stated real estate signs were seen as temporary as well.

Commissioner Field questioned if the City has had concerns with real estate signs in the past.

Development Services Manager Gladhill did not recall any issues with real estate signs.

Commissioner Field recommended a size limitation be placed on real estate signs, as there were limits on other types of signs in the City.

Development Services Manager Gladhill commented the Commission would need to address both ground signs and wall signs, if this were to proceed. He recommended real estate signs not exceed 32 square feet for residential and 64 square feet for commercial or 15% of a wall surface.

Commissioner Brauer suggested the Commission consider this further to assure that real estate signs did not become a concern in the future.

Commissioner Field did not want real estate signs to become a nuisance for neighbors. He indicated he did not have enough information to make a recommendation on this issue this evening. He was in favor of creating different standards based on zoning districts.

Commissioner Van Scoy asked if the ordinance before the Commission this evening was the entire sign code.

Development Services Manager Gladhill commented the amended subsections were before the Commission this evening and not the entire sign code.

Commissioner Van Scoy inquired if real estate signs would require a sign permit.

Development Services Manager Gladhill explained that real estate signs would not require a sign permit.

Commissioner Van Scoy did not see the need to regulate real estate signs further as it was self-regulated and not currently an issue.

Commissioner Brauer withdrew his previous motion and requested language from Commissioner Field on the real estate signs be added into a new motion.

Commissioner Field suggested residential real estate signs be no more than 32 square feet and commercial/industrial real estate signs be no more than 64 square feet for ground signs and 15% for wall signs.

Motion amended by Commissioner Brauer, seconded by Commissioner Field, to recommend that City Council adopt the ordinance amending City Code Chapter 117, Article II, Division 8 (Signs), allowing for residential real estate signs to be no more than 32 square feet, and that commercial/industrial real estate signs be no more than 64 square feet for ground signs or 15% of a wall surface.

Further discussion

Commissioner Van Scoy did not feel it was necessary to further regulate real estate signs.

Commissioner Field was in favor of temporary dynamic display signs being over 35%.

Motion Carried. Voting Yes: Commissioners Brauer, Field, and Bauer. Voting No: Chairperson Levine and Commissioner Van Scoy. Absent: Commissioner Perez and Schiller.

6.06: Public Hearing (Continued): Consider Zoning Ordinance to Amend Chapter 117, Article II, Division 4, Subdivision II, IV and V by Consolidating into One Subdivision (Shorelands)

Public Hearing

Chairperson Levine called the public hearing to order at 9:58 p.m.

Presentation

Associate Planner/Environmental Coordinator Anderson presented the staff report. He noted this item addressed Shoreland districts in the City and was continued from last month's meeting. He indicated the City was waiting for responses from outside agencies. He recommended the Commission continue the public hearing to allow for this to be further refined.

Citizen Input

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

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

Chairperson Levine closed the public hearing closed at 10:02 p.m.

Commission Business

Motion by Commissioner Bauer, seconded by Commissioner Van Scoy, to continue this item to a future meeting.

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

6.07: Staff Update

The Staff Update was noted.

6.08: Zoning Bulletins

Zoning Bulletins were noted.

7. COMMISSION / STAFF INPUT

None.

8. ADJOURNMENT

Motion by Commissioner Field, seconded by Commissioner Brauer, to adjourn the meeting.

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

The regular meeting of the Planning Commission adjourned at 10:04 p.m.

Respectfully submitted,

Tim Gladhill
Development Services Manager

ATTEST:

JoAnn Shaw
Planning Division Secretary

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.

Regular Planning Commission

5. 1.

Meeting Date: 12/06/2012

By: JoAnn Shaw, Community Development

Information

Title:

Note the Following City Council Meeting Minutes:

- City Council Meeting Minutes Dated August 13, 2012
- City Council Meeting Minutes Dated August 28, 2012
- City Council Meeting Minutes Dated September 11, 2012
- City Council Meeting Minutes Dated September 25, 2012
- City Council Meeting Minutes Dated October 9, 2012
- City Council Meeting Minutes Dated October 23, 2012

Background:

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

08.13.12

08.28.12

09.11.12

09.25.12

10.09.12

10.23.12

Form Review

Inbox
Tim Gladhill

Reviewed By
Tim Gladhill

Date
11/30/2012 11:26 AM
Started On: 11/28/2012 04:03 PM

Form Started By: JoAnn Shaw

Final Approval Date: 11/30/2012

TABLE OF CONTENTS

1. CALL TO ORDER 2

2. PRESENTATION..... 2

3. CITIZEN INPUT 2

4. CONSENT AGENDA 2

5. APPROVE AGENDA 4

6. PUBLIC HEARING 4

7. COUNCIL BUSINESS..... 4

 7.01: City Improvement Project 12-20; Sunwood Drive Realignment – Consider Change Order #1 4

 7.02: Consider Preliminary Plat and Final Plat Approval of COR TWO; Case of the City of Ramsey Housing and Redevelopment Authority 4

 7.03: Consider Site Plan Approval of Wisser Choice Liquor..... 5

 7.04: Introduce Ordinance to Vacate Drainage and Utility Easements and Right-of-Way for Sunwood Drive Within the COR TWO Subdivision located East of Armstrong Boulevard and South of Bunker Lake Boulevard; Case of the City of Ramsey Housing and Redevelopment Authority 5

 7.06: Introduce Ordinance for the Sale of Outlot A, Ramsey Town Center 3rd Addition ... 5

 7.05: Adopt Ordinance to Establish Game Fair Off-Street Parking Overlay District..... 6

 7.07: Consider Entering into a Purchase Agreement for the Property Located at 14590 Armstrong Boulevard, Ramsey, Minnesota, known as Wisser Choice Liquors – Portions of this discussion may be 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, August 13, 2012, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey
Councilmember David Elvig
Councilmember Colin McGlone
Councilmember Sarah Strommen
Councilmember Jason Tossey
Councilmember Jeffrey Wise (arrived at 7:03 p.m.)

Members Absent: Councilmember Randy Backous

Also Present: City Administrator Kurtis Ulrich
Fire Chief Dean Kapler
Public Works Superintendent Grant Riemer
Development Services Manager Timothy Gladhill
Management Analyst Patrick Brama
City Attorney William Goodrich
Interim Engineer Shane Nelson

1. CALL TO ORDER

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Ramsey.

2. PRESENTATION

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: Receive Cash and Investments for Period Ending July 31, 2012
- 4.02: Receive June 2012 Financial Reports – General Fund and Enterprise Funds

4.03: Approve Licenses:

Peddler / Solicitor

Walters Recycling & Refuse, Inc., P.O. Box 67, Circle Pines, MN 55014

Transient Merchant

United Methodist Church of Anoka/Northern Lights Church, 850 South Street / 6701 Highway
#10 NW; Anoka, MN 55303 / Ramsey, MN 55303

Special Events

City of Ramsey, 7550 Sunwood Drive NW, Ramsey, MN 55303

4.04: Approve the following City Council Meeting Minutes:

- 1) Special City Council and City Council Work Session – June 5, 2012
- 2) City Council Work Session – June 12, 2012
- 3) Special City Council and City Council Work Session – June 19, 2012
- 4) City Council Work Session and City Council Regular – June 26, 2012
- 5) City Council Work Session and City Council Regular – July 10, 2012
- 6) City Council Work Session and City Council Regular – July 24, 2012

4.05: Request for Certificate of Completion at 14220 Basalt Street NW

4.06: Clarify Motion Related to Waving Application and Escrow Fees Related to a Request for an Interim Use Permit

4.07: Adopt Resolution #12-08-116 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of July 19, 2012, through August 8, 2012

4.08: Adopt Resolution #12-08-117 to Accept Recycling Enhancement Grant Funds from Anoka County and to Amend the Agreement for Residential Recycling Program

4.09: Report from the Public Works Committee Meeting dated July 17, 2012:

- 1) Consider Traffic Control Change for Sunwood Drive / Sapphire Street Intersection – *Ratify the recommendation of the Public Works Committee to approve Option #1, leave intersection as it is presently.*
- 2) Tree Removal at 16490 Uranium Street– *Ratify the recommendation of the Public Works Committee to approve the use of Council Contingency Fund to contract with Olson Tree Service for tree removal and clean up at 16490 uranium Street in an amount not to exceed \$3,300.00*
- 3) Review Overlay Project 11-05 (157th Lane East of Ramsey Boulevard) - *Ratify the recommendation of the Public Works Committee to accept Overlay Project 11-05, 157th Lane east of Ramsey Boulevard and let the warranty period expire, and direct staff to review the policy and propose alternate language.*
- 4) Review Resident's Concerns with the Sunfish Lake Boulevard / CR116 Project – *Item will be rescheduled to future Public Works meeting.*
- 5) Consider Purchase of AVL System for Public Works Fleet - *Ratify the recommendation of the Public Works Committee to approve staff testing the AVL system from Precise MRM for 30 days on the sweeper, starting in October, with staff reporting on what did and did not work and whether its use resulted in staff efficiencies.*

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

5. APPROVE AGENDA

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

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

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.01: City Improvement Project 12-20; Sunwood Drive Realignment – Consider Change Order #1

Interim Engineer Nelson reviewed the staff report.

Councilmember Wise arrived at 7:03 p.m.

Motion by Mayor Ramsey, seconded by Councilmember Strommen, to approve Change Order #1 in the amount of \$19,237.60 for City Improvement Project #12-20; Sunwood Drive Realignment.

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

Councilmember Wise stepped down from the Council dais at 7:05 p.m.

7.02: Consider Preliminary Plat and Final Plat Approval of COR TWO; Case of the City of Ramsey Housing and Redevelopment Authority

Development Services Manager Gladhill reviewed the staff report and answered questions of the Council, noting this has been reviewed and recommended for approval by the Planning Commission. He indicated this preliminary plat is being presented by the Housing and Redevelopment Authority.

Motion by Councilmember McGlone, seconded by Mayor Ramsey, to adopt Resolution #12-08-118 Granting Preliminary Plat Approval of COR TWO; to adopt Resolution #12-08-119 Granting Final Plat Approval of COR TWO contingent upon: Required Amendments as outlined in the Staff Review File dated July 27, 2012, revised August 9, 2012; and, Developer Entering into a Development Agreement with the City.

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

7.03: Consider Site Plan Approval of Wiser Choice Liquor

Development Services Manager Gladhill reviewed the staff report.

Jeffrey Wise, 7901 165th Avenue and owner of Wiser Choice Liquors, described the architectural elements of the proposed structure and indicated he is negotiating with three restaurant users. He noted the proposal includes a large outdoor dining area.

Motion by Mayor Ramsey, seconded by Councilmember McGlone, to approve the Site Plan for Wiser Choice Liquors, contingent upon compliance with the Staff Review File dated July 27, 2012, revised August 9, 2012.

Further discussion: The Council asked questions of staff related to the timing for consideration of the development agreement. Development Manager Lazan noted the development agreement is between the HRA and City. The Council agreed with the suggestion of City Attorney Goodrich to add a condition to make the development permit contingent upon execution of the development agreement.

Mayor Ramsey amended the motion to add a condition to make the development permit contingent upon execution of the development agreement.

Councilmember McGlone reaffirmed his second to the motion, as amended.

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

7.04: Introduce Ordinance to Vacate Drainage and Utility Easements and Right-of-Way for Sunwood Drive Within the COR TWO Subdivision located East of Armstrong Boulevard and South of Bunker Lake Boulevard; Case of the City of Ramsey Housing and Redevelopment Authority

Development Services Manager Gladhill reviewed the staff report.

Motion by Councilmember McGlone, seconded by Mayor Ramsey, to introduce an Ordinance vacating certain drainage and utility easements and right-of-way for Sunwood Drive within the COR TWO plat.

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

At the recommendation of City Attorney Goodrich, the Council agreed to reorder the agenda to next consider Item 7:06.

7.06: Introduce Ordinance for the Sale of Outlot A, Ramsey Town Center 3rd Addition

City Attorney Goodrich and Development Manager Lazan reviewed the staff report and answered questions of the Council relating to height of signage.

Motion by Councilmember Elvig, seconded by Councilmember Ramsey, to introduce an Ordinance providing for the sale of Outlot A, Ramsey Town Center 3rd Addition, Anoka County, Minnesota.

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

Councilmember Wise returned to the Council dais at 7:26 p.m.

7.05: Adopt Ordinance to Establish Game Fair Off-Street Parking Overlay District

Development Services Manager Gladhill reviewed the staff report.

Motion by Mayor Ramsey, seconded by Councilmember Elvig, to waive the City Charter requirement to read the ordinance aloud and adopt Ordinance #12-12 Establishing the Game Fair Off-Street Parking Overlay District.

A roll call vote was performed by the Recording Secretary:

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

Motion carried.

7.06: Introduce Ordinance for the Sale of Outlot A, Ramsey Town Center 3rd Addition

This item was considered prior to Item 7:05.

7.07: Consider Entering into a Purchase Agreement for the Property Located at 14590 Armstrong Boulevard, Ramsey, Minnesota, known as Wisser Choice Liquors – Portions of this discussion may be closed to the public.

Development Manager Lazan reviewed the staff report.

Councilmember Wise recused himself due to a potential conflict of interest and left the Council Chambers at 7:28 p.m.

City Attorney Goodrich advised that under Minnesota Statutes, Section 13D.053(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 of property located at 14590 Armstrong Boulevard known as Wiser Choice Liquors for right-of-way purposes for future Highway 10/Armstrong Boulevard interchange and the Sunwood Drive Realignment Project. The closed session will be tape recorded and that tape will be maintained for a period of eight years.

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

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

The City Council meeting moved into a closed session at 7:29 p.m.

The City Council reconvened in open session at 7:54 p.m.

City Attorney Goodrich stated the Council held discussion on the purchase and prefers to review the final purchase agreement prior to taking action.

Councilmember Wise returned to the meeting at 7:55 p.m.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich announced the Primary Election, upcoming meetings and events, and receipt of two grants. Game Fair was announced and residents were reminded of the need to obtain a permit and training prior to use of ATVs or golf carts on City streets.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 7:59 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.

TABLE OF CONTENTS

1. CALL TO ORDER 2

2. PRESENTATION..... 2

3. CITIZEN INPUT 2

4. CONSENT AGENDA 3

5. APPROVE AGENDA 4

6. PUBLIC HEARING 5

7. COUNCIL BUSINESS..... 5

 7.01: Consider Award for Bid for City Project #12-23; SAP 199-107-009 Alpine Drive
Reconstruction 5

 7.02: Managing the Deer Population in the City of Ramsey 5

 7.03: Adopt Ordinance to Vacate Drainage and utility Easement and Right-of-Way for
Sunwood Drive within the COR TWO Subdivision located East of Armstrong Boulevard and
South of Bunker Lake Boulevard; Case of the City of Ramsey Housing and Redevelopment
Authority 6

 7.04: Adopt Ordinance for the Sale of Outlot A, Ramsey Town Center 3rd Addition..... 6

 7.05: Consider Entering into a Purchase Agreement for the Property Located at 14590
Armstrong Boulevard, Ramsey, Minnesota known as Wiser Choice Liquors – (Portion of this
discussion was closed to the public) 7

 7.06: Consider Response to City of Anoka Comprehensive Plan Amendments 8

8. MAYOR, COUNCIL AND STAFF INPUT 8

9. ADJOURNMENT 8

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

The Ramsey City Council conducted a regular meeting on Tuesday, August 28, 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
Finance Director Diana Lund
Fire Chief Dean Kapler
Police Chief James Way
Public Works Superintendent Grant Riemer
Human Resources Manager Colleen Lasher
Development Services Manager Timothy Gladhill
Management Analyst Patrick Brama
City Attorney William Goodrich
Development Manager Darren Lazan
Interim Engineer Shane Nelson

1. CALL TO ORDER

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:02 p.m., followed by the Pledge of Allegiance led by Mayor Ramsey.

2. PRESENTATION

None.

3. CITIZEN INPUT

Eric Zaetsch, 6521 154th Avenue NW, read into the record a discovery request for a League of Minnesota Cities (LMC) opinion on potential conflict of interest by Councilmember McGlone.

Colin McGlone, 15890 St. Andrews Lane, addressing the City Council as a resident, responded to the comments of Mr. Zaetsch, and stated it is clear there is no conflict of interest no matter how often someone says there is.

Mr. Zaetsch opined that Mr. McGlone's comments border on defamation and requested a retraction.

Councilmember Tossey stated he received an e-mail from Mr. Zaetsch and discussed the alleged conflict with City Attorney Goodrich who confirmed the stance of the LMC that there is no conflict of interest. Councilmember Tossey stated he would like this allegation and those leveled at an EDA Commissioner resolved by hiring an independent counsel to provide an opinion.

Motion by Councilmember Tossey, seconded by Councilmember Elvig, to direct staff to hire independent counsel, with the costs split between the EDA and HRA budgets, to address the potential conflicts of interest that have been alleged.

Councilmember McGlone stated his intention to not contribute to this discussion or vote on the motion.

Further discussion: The Council discussed its support to resolve the on-going allegations and asked staff to review the City's conflict of interest policy and whether the City Council should fill out annual conflict disclosure forms to assure transparency. City Attorney Goodrich advised he had talked with the Anoka County Attorney's office and it declined to become involved but recommended the State Auditor be contacted. City Attorney Goodrich indicated that is an option; however, he was unsure of the timeliness of that action.

Amendment motion by Councilmember Tossey, seconded by Councilmember Elvig, to direct staff to refer the potential conflict of interest allegations to the State Auditor's Office.

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

4. CONSENT AGENDA

Motion by Councilmember Elvig, seconded by Councilmember Wise, to approve the following items on the Consent Agenda as revised to remove Item 4.06:

- 4.01: Receive July 2012 Financial Reports – General Fund and Enterprise Funds
- 4.02: Note the following Board and Commission Meeting Minutes:
 - 1) Planning Commission Meeting Minutes dated June 19, 2012
 - 2) Planning Commission Meeting Minutes dated July 12, 2012
 - 3) Environmental Policy Board Meeting Minutes dated July 2, 2012
- 4.03: Accept Resident Petition to Consider the Installation of a Stop Sign at 152nd Lane and Helium Street
- 4.04: Schedule Public Hearing to Consider Revoking a Conditional Use Permit for Motor Vehicle Sales at 8175 Riverdale Drive NW; Case of Quality RV

4.05: Approve License Applications:

Temporary Liquor

Ramsey Lions, P.O. Box 771, Anoka, MN 55303

Transient Merchant

Tyler Theisen, 1975 – 397th Avenue NW, Stanchfield, MN 55080

JWT Heavenly Springers, 5900 – 175th Avenue SE, St. Cloud, MN 56304

~~4.06: Consider Response to City of Anoka Comprehensive Plan Amendments.~~ This item was removed from the Consent Agenda and considered as Item 7.06.

4.07: Adopt Resolution #12-08-120A Approving the City enter into an Easement Encroachment Agreement to allow Construction of a Ground Sign within a Drainage and Utility Easement at 14485 Azurite Street NW and Declaring Terms of Same; City of Wildlife Research Center

4.08: Introduce Ordinance to Amend City Code Chapter 6 – Alcoholic Beverages, Article I, Sec 6-4 Consumption in Public Places

4.09: Adopt Resolution #12-08-120 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of August 9, 2012 through August 23, 2012

4.10: Adopt Resolution #12-08-121 Authorizing Final Payment to Douglas-Kerr Underground LLC for IP 11-21 Armstrong/Bunker Inter and Ext.

4.11: Adopt Resolution #12-08-122 Authorizing Final Payment to Dryden Excavating for IP 12-24; 2012 Storm Sewer Improvements Division A

4.12: Adopt Resolution #12-08-123 Authorizing Partial Payment to North Pine Aggregate for IP 12-20; Armstrong Boulevard & Sunwood Drive Realignment

4.13: Adopt Resolution #12-08-124 Authorizing Partial Payment to Allied Blacktop Company for IP 12-00; 2012 Street Maintenance Program

4.14: Adopt Resolution #12-08-125 Requesting Review of Minnesota Statutes Related to Permitted Residential Uses

4.15: Report from the Personnel Committee Meeting dated August 14, 2012:

- 1) Consider a Resolution to Hire a Police Technician – *Ratify the recommendation of the Personnel Committee to adopt Resolution #12-08-126 to hire Ms. Jennifer Johnson as the City's new part-time Police Technician at Step 1 of the wage scale (i.e., \$17.57 per hour) effective August 29, 2012.*
- 2) Consider a Resolution to Authorize a Patrol Officer Recruitment – *Ratify the recommendation of the Personnel Committee to adopt Resolution #12-08-127 to authorize staff to begin a Patrol Officer recruitment.*
- 3) Consider a Resolution to Re-authorize a Leave of Absence (Portions of meeting were closed to the public) – *Ratify the recommendation of the Personnel Committee to adopt Resolution #12-08-128 to re-authorize a City employee's leave of absence for four months (September, October, November and December). If additional leave is required beyond December, the Personnel Committee will readdress the issue.*

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

5. APPROVE AGENDA

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

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

6. PUBLIC HEARING

- None.

7. COUNCIL BUSINESS

7.01: Consider Award for Bid for City Project #12-23; SAP 199-107-009 Alpine Drive Reconstruction

Interim Engineer Nelson presented the three bids received and recommended awarding bid to North Valley. It was noted the funding source is TIF 4.

Motion by Mayor Ramsey, seconded by Councilmember Tossey, to award the bid to North Valley with a base bid of \$229,950.54 and the bituminous sidewalk add alternate bid of \$42,770.77 for City Project #12-23; SAP 199-107-009.

Further discussion: The Council asked staff to track its experience with contractors, noting there are considerations beyond the low bid. Staff was informed of constituent complaints relating to deterioration at Skate Park and potential for hazard.

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

7.02: Managing the Deer Population in the City of Ramsey

Police Chief Way reviewed the staff report and answered questions of the Council.

The Council acknowledged that while it received resident complaints about deer intrusion, the current system was working well. It was mentioned that some residents may not realize they can obtain a permit to hunt deer on their property or open their property for another hunter to do so.

Police Chief Way stated the City currently has a pool of screened hunters and described the application process. He advised that turkeys fall under the same regulations and the DNR supports the City allowing some hunting, as long as it occurs during the appropriate hunting season.

Following discussion, the consensus of the Council was to continue the current system, since it was working well, and directed staff to promote the program on the City's website and newsletter.

7.03: Adopt Ordinance to Vacate Drainage and utility Easement and Right-of-Way for Sunwood Drive within the COR TWO Subdivision located East of Armstrong Boulevard and South of Bunker Lake Boulevard; Case of the City of Ramsey Housing and Redevelopment Authority

Development Services Manager Gladhill reviewed the staff report.

Motion by Councilmember Tossey, seconded by Mayor Ramsey, to waive the City Charter requirement to read the ordinance aloud and adopt Ordinance #12-14 Vacating Certain Drainage and Utility Easements and Right-of-Way for Sunwood Drive within the COR TWO plat.

A roll call vote was performed by the Recording Secretary:

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

Motion carried.

7.04: Adopt Ordinance for the Sale of Outlot A, Ramsey Town Center 3rd Addition

City Attorney Goodrich reviewed the staff report.

Development Manager Lazan answered questions of the Council and advised this is the resolution for the right-of-way vacation.

Motion by Councilmember Wise, seconded by Mayor Ramsey, to waive the requirement of the City Charter to read the ordinance aloud and adopt Ordinance #12-13 Providing for the Sale of Outlot A, Ramsey Town Center 3rd Addition, Anoka County, Minnesota.

A roll call vote was performed by the Recording Secretary:

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

Motion carried.

7.05: Consider Entering into a Purchase Agreement for the Property Located at 14590 Armstrong Boulevard, Ramsey, Minnesota known as Wiser Choice Liquors – (Portion of this discussion was closed to the public)

Councilmember Wise recused himself due to a potential conflict of interest and left the Council Chambers at 7:40 p.m.

City Attorney Goodrich advised that under Minnesota Statutes the meeting can move into closed session to discuss acquisition negotiations. He indicated closed session discussion will relate to property acquisition of property located at 14590 Armstrong Boulevard currently occupied by Wiser Choice Liquors for right-of-way purposes and future development. The closed session will be tape recorded and that tape will be maintained for a period of eight years.

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

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

The City Council meeting moved into a closed session at 7:41 p.m.

The City Council reconvened in open session at 8:06 p.m.

Councilmember Wise returned to the Council Chambers and remained seated in the audience.

City Attorney Goodrich stated the Council held discussion in closed session of 14590 Armstrong Boulevard currently occupied by Wiser Choice Liquor. He stated the City had two appraisals conducted by independent appraisers and both concluded a property value of \$940,000. Since the City is making the purchase, it is obligated to purchase trade fixtures, appraisal at \$80,160 and obligated to offer business relocation, which an expert estimated at \$90,000. The relocation costs will be finally arrived on after decisions are made on the exact relocation size. This purchase comes to \$1,110,160. City Attorney Goodrich stated the Council, in closed session, authorized this purchase under those terms and confirmed it would not vary from the trade fixture appraisal and would follow industry standards for business relocation. It also discussed the existing pylon sign and determined that anyone, including the current property owner, can acquire it at auction.

Motion by Mayor Ramsey, seconded by Councilmember Tossey, to approve the purchase agreement as presented subject to the City Attorney making amendments as to legal form.

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

Councilmember Wise returned to the Council dais at 8:10 p.m.

7.06: Consider Response to City of Anoka Comprehensive Plan Amendments

Development Services Manager Gladhill presented the staff report and three amendments proposed to the City of Anoka Comprehensive Plan.

The Council confirmed its support to collaborate with the City of Anoka to assure development/redevelopment does not impact the ability to make improvements and upgrades to Highway 47 and the transportation system in general.

The consensus of the Council was to refer the proposed amendments to the City of Anoka Comprehensive Plan to the next Work Session for further discussion.

8. MAYOR, COUNCIL AND STAFF INPUT

The Council acknowledged receipt of Highway 10 traffic and crash statistics. Councilmember Tossey stated his intent to submit an editorial relating to that data, noting the City has purchased land to accommodate upgrades of Highway 10 and Armstrong Boulevard.

City Administrator Ulrich announced upcoming meetings, events, and ongoing projects. He advised of the opportunity, in conjunction with the rail project, to relocate the historic City Hall building, which had been estimated at \$27,000 seven to eight years ago. It was noted that if relocated, it would open a site for development.

The Council discussed options for relocation of this structure, noting its historic significance would no longer exist once moved.

Councilmember Wise stated he did not support any expenditure to relocate the old City Hall because it had no historic significance.

The majority consensus of the Council was to direct staff to further explore options to relocate the old City Hall subject to the foundation accommodating the pump/equipment so the entire building could be repurposed.

Interim Engineer Nelson provided an update on road projects.

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 8:37 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.

TABLE OF CONTENTS

1. CALL TO ORDER 2

2. PRESENTATION..... 2

3. CITIZEN INPUT 3

4. CONSENT AGENDA 3

5. APPROVE AGENDA 4

6. PUBLIC HEARING 4

7. COUNCIL BUSINESS..... 5

 7.01: Request for Special Events Permit for Live Music at 9536 Highway #10 NW,
 Ramsey 5

 7.02: Adopt an Ordinance to Amend City Code Chapter 6 – Alcoholic Beverages, Article
 I, Section 6-4, Consumption in Public Places..... 5

 7.03: Adopt Resolution Approving Proposed 2013 EDA Levy..... 6

 7.04: Adopt Resolution Approving Proposed 2013 Payable Tax Levy..... 6

 7.05: Review and Adopt Proposed 2013 General Fund Budget 7

 7.06: Report from Personnel Committee 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, September 11, 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
Finance Director Diana Lund
Fire Chief Dean Kapler
Police Chief James Way
Public Works Superintendent Grant Riemer
Human Resources Manager Colleen Lasher
City Clerk Jo Ann Thieling
Development Services Manager Timothy Gladhill
Management Analyst Patrick Brama
City Attorney William Goodrich
Development Manager Daren Lazan
Interim Engineer Shane Nelson

1. CALL TO ORDER

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Ramsey.

2. PRESENTATION

To accommodate the Fire Chief's schedule, Mayor Ramsey reordered the agenda to first consider Item 2:02.

2.02: Presentation / Recognition by Fire Chief Kapler to Fire Fighters Jackie Edwards and Tim Flickinger

Fire Chief Kapler introduced Probationary Fire Fighters Jackie Edwards and Tim Flickinger and recommended both be released from probation and begin service as unrestricted Fire Fighters.

Mayor Ramsey presented Fire Fighter Edwards and Fire Fighter Flickinger with their pin and stated his appreciation to both for the service they will provide to the City of Ramsey

2.01: Presentation / Recognition by Police Chief Way to Retiring Patrol Officer James Singewald

Mayor Ramsey described the 26.6 years of service by Patrol Officer James Singewald.

Patrol Officer Singewald thanked his wife, son, friends, fellow officers, and City for their support. He encouraged fellow officers to maintain being safe, for going home to their families each night, and successfully reaching retirement.

Mayor Ramsey introduced his nephew and thanked Officer Singewald for saving his life a couple years ago.

2.02: Presentation / Recognition by Fire Chief Kapler to Fire Fighters Jackie Edwards and Tim Flickinger

This item was considered prior to Item 2.01.

2.03: Resolution Proclaiming September 17 – 23, 2012, as Constitution Week

Mayor Ramsey read in full a resolution proclaiming September 17-23, 2012, as Constitution Week. It was acknowledged that the signed proclamation will be mailed to the Daughters of the American Revolution.

3. CITIZEN INPUT

None.

4. CONSENT AGENDA

Motion by Councilmember Wise, seconded by Councilmember Backous, to approve the following items on the Consent Agenda as revised to remove Item 4:03:

4.01: Approval for Exemption for a Gambling License for the Knights of Columbus Council #14984 to Conduct Bingo at the Church of St. Katharine Drexel on November 3, 2012, January 26, 2013, and April 20, 2013

4.02: Approve License Applications;

Temporary Liquor

Church of St. Katharine Drexel, 7101 – 143rd Avenue NW, Suite G, Ramsey, MN 55303

Special Events

Northern Lights Church / United Methodist Church of Anoka

830 South Street / 6701 Highway #10 NW
Anoka, MN 55303 / Ramsey, MN 55303

Solicitor

LePage and Sons, 3118 – 162nd Lane NW, Suite B, Andover, MN 55304

- ~~4.03: Consider Extension to Site Plan Approval for Legacy Christian Academy; Case of Hageman Holdings, LLC~~ This item was removed from the agenda upon adoption.
- 4.04: Adopt Resolution #12-09-129 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of August 24, 2012 through September 6, 2012
- 4.05: Adopt Resolution #12-09-130 Proclaiming September 17-23, 2012, as Constitution Week
- 4.06: Adopt Resolution #12-09-131 Declaring Costs to be Assessed and Calling for a Public Hearing on Proposed Assessment for Past-Due Charges on Municipal Utility Bills (which may include water, sewer, street lighting, recycling, storm water charges, and penalties incurred) and Current Services Rendered
- 4.07: Report from the Personnel Committee Meeting dated August 28, 2012:
- 1) Consider a Resolution Ending the Probation of Paid-On-Call Firefighters – *Ratify the recommendation of the Personnel Committee to adopt Resolution #12-09-132, removing Jackie Edwards and Timothy Flickinger from probation and retain them as paid on-call firefighters.*
 - 2) Consider a Resolution to Enter Into a Memorandum of Understanding (M.O.U.) with AFSCME – *Ratify the recommendation of the Personnel Committee to adopt Resolution #12-09-133, authorizing the Memorandum of Understanding (M.O.U.) in order to meet the coverage requirements and other responsibilities associated with the care and oversight of the Municipal Center until the full-time Building Maintenance Worker returns from his medical leave.*

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

5. APPROVE AGENDA

Motion by Councilmember Elvig, seconded by Councilmember Wise, to approve the agenda as revised to add Case 7.06: Report from Personnel Committee to take action on the IT case presented earlier this evening.

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

6. PUBLIC HEARING

- None.

7. COUNCIL BUSINESS

7.01: Request for Special Events Permit for Live Music at 9536 Highway #10 NW, Ramsey

Police Chief Way reviewed the staff report and answered questions of the Council.

The Council discussed the special events permit request and expressed a willingness to consider contingent approval.

Motion by Councilmember Wise, seconded by Mayor Ramsey, to approve the Special Events Permit request of Mr. Chris Berry at 9539 Highway #10 NW, and to approve allowing the bands to play until midnight with the sound volume turned down at 11 p.m., contingent on the applicant working with staff to resolve all issues, conformance to City’s rules that would apply to any special event, and payment of escrow to cover the cost of a police officer.

Further discussion: In response to questions of the Council, Police Chief Way displayed a map of the subject site and identified the one entrance point on Highway 10 and locations for parking. The Council further discussed the outstanding issues that remained to be resolved prior to the event taking place. It was noted that a police officer will be at the event, which alleviates some concern related to safety. The Council agreed that the applicant will need to provide the City with a certificate of insurance or hold harmless statement. The Council authorized staff to not grant the Special Events Permit if all requirements are not met. The public was encouraged to time Special Events Permit application to assure the City has adequate time to process the applicant and vet all issues.

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

7.02: Adopt an Ordinance to Amend City Code Chapter 6 – Alcoholic Beverages, Article I, Section 6-4, Consumption in Public Places

Police Chief Way reviewed the staff report.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to waive the requirement of the City Charter to read the Ordinance aloud and adopt Ordinance #12-15 providing for adoption of an Ordinance to Amend City Code Chapter 6 – Alcoholic Beverages, Article I, Section 6-4 consumption in Public Places.

A roll call vote was performed by the Recording Secretary:

Councilmember McGlone	aye
Councilmember Tossey	aye
Councilmember Strommen	aye
Councilmember Wise	aye
Councilmember Backous	aye

Councilmember Elvig aye
Mayor Ramsey aye

Motion carried.

7.03: Adopt Resolution Approving Proposed 2013 EDA Levy

EDA Chair Chris Riley presented the EDA recommendation that its levy remain the same as 2012, a zero increase. This recommendation is based on fact that in the prior two years, its levy was decreased 42% and the EDA had spent down 50% of the fund balance in 2012.

Finance Director Lund presented the 2013 EDA Levy and answered questions of the Council.

The Council discussed the EDA levy and asked questions of staff relating to job responsibilities of the staff person proposed to be hired.

City Administrator Ulrich stated the budget includes the hiring of an Economic Development Manager to focus on business prospecting, recruitment, and retention throughout Ramsey, not only in The COR.

Motion by Councilmember Wise, seconded by Councilmember Backous, to Adopt Resolution #12-09-134 Approving the Proposed Preliminary EDA Levy for Payable 2013 in the Amount of \$104,466.

Further discussion: The Council discussed the EDA levy of \$104,466, noting it would provide the same level of working capital in addition to add staffing to complete its work plan and further economic development. It was also noted that the EDA has significant fund balances and owns property worth at least \$600,000.

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

7.04: Adopt Resolution Approving Proposed 2013 Payable Tax Levy

Finance Director Lund presented the proposed 2013 Payable Tax Levy and answered questions of the Council.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to Adopt Resolution #12-09-135 Approving the Proposed 2012, Payable 2013, Tax Levy.

Further discussion: In response to the Council's questions, Development Services Manager Gladhill stated staff used a conservative estimate in forecasting permit revenue, an average of the past few years. With regard to engineering services, City Administrator Ulrich stated the budget contains hiring a City Engineer and Engineering Technician to generate charge back revenues; however, if the City Engineer is not hired for several months, it may impact the amount that can

be gained in revenue on project review. He noted project costs will be charged back to the appropriate project and staff will prepare staffing and revenue projections.

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

7.05: Review and Adopt Proposed 2013 General Fund Budget

Finance Director Lund presented the 2013 General Fund Budget and answered questions of the Council relating to funding sources for road reconstruction projects.

The Council acknowledged that while it had already discussed the options of franchise fees, assessments, and other revenue sources, the need remained to find long-term funding for road construction because it is a long-term need.

Motion by Councilmember Wise, seconded by Councilmember Tossey, to Adopt Resolution #12-09-136 Adopting the Proposed 2013 General Fund Budget.

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

Councilmember Elvig left the Council Chambers at 8:11 p.m.

7.06: Report from Personnel Committee

Human Resources Manager Colleen Lasher presented the recommendation of the Personnel Committee from earlier this evening for the case relating to the IT position.

Motion by Councilmember Tossey, seconded by Councilmember McGlone, to Adopt Resolution #12-09-137 confirming the recommendation of the Personnel Committee to accept the IT Manager's resignation and authorize staff to rehire the previous IT Intern Jason Fredrickson as a temporary employee at \$16.25/hour; authorize a recruitment for an IT Specialist at Step 1 of the wage scale which is \$20.50 per hour; backfill the immediate higher level tasks with LOGIS at 24-hours per month or on an as-needed basis; and, utilize Support Services Captain Jeff Katers for unexpected/high priority needs.

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

Councilmember Elvig returned to the Council Chambers at 8:13 p.m.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich announced upcoming meetings and events.

Following discussion, the Council reached consensus to allow staff to sell the unused bonfire wood from Happy Days and donate proceeds to Youth First.

The Council thanked staff and the Happy Days Committee for the successful event.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 8:18 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.

TABLE OF CONTENTS

1. CALL TO ORDER 2

2. PRESENTATION..... 2

 2.01: Proclamation Declaring October 2012 Domestic Violence Awareness Month..... 2

3. CITIZEN INPUT 2

4. CONSENT AGENDA 3

5. APPROVE AGENDA 4

6. PUBLIC HEARING 4

 6.01: Public Hearing and Levy of Assessments for Past-Due Charges on Municipal Utility
 Bills and Current Services Rendered 4

7. COUNCIL BUSINESS..... 5

 7.01: Acknowledge Award of Two Trail Grants 5

 7.02: 2012 City of Ramsey Happy Days Re-Cap 6

8. MAYOR, COUNCIL AND STAFF INPUT 6

9. ADJOURNMENT 6

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

The Ramsey City Council conducted a regular meeting on Tuesday, September 25, 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
Finance Director Diana Lund
Parks and Assistant Public Works Superintendent Mark Riverblood
Human Resources Manager Colleen Lasher
Development Services Manager Timothy Gladhill
Management Analyst Patrick Brama
City Attorney William Goodrich
Development Manager Darren Lazan
Interim Engineer Ron Wagner
Interim Engineer Shane Nelson

1. CALL TO ORDER

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Ramsey.

2. PRESENTATION

2.01: Proclamation Declaring October 2012 Domestic Violence Awareness Month

Mayor Ramsey read in full a proclamation declaring October 2012 as Domestic Violence Awareness Month.

3. CITIZEN INPUT

Kay McCulley, 14431 Wolfram Street NW, speaking as a member of the League of Women Voters, announced that the candidate forum for October 10, 2012, has been cancelled.

4. CONSENT AGENDA

Motion by Councilmember Elvig, seconded by Mayor Ramsey, to approve the following items on the Consent Agenda as revise to remove Item 4:05:

- 4.01: Receive Cash & Investments for Period Ending August 31, 2012
- 4.02: Receive plans and specifications and authorization for bid City Project #12-28 Rum River Hills Storm Sewer Improvements.
- 4.03: Report from Personnel Committee – Meeting Date: September 11, 2012
 - 1) Consider a Resolution to extend the current City Engineer contract and authorize a postponed subsequent retirement – *Ratify the recommendation of the Personnel Committee to adopt Resolution #12-09-138 to Extend the Current City Engineer Contract for up to an Additional Six Months and Authorize a Postponed Subsequent Recruitment in January or February, 2013.*
 - 2) Consider a Resolution to accept the IT Manager’s resignation, to authorize staff to rehire the previous IT Intern, followed by an IT Recruitment. *No action necessary; this case was acted upon and approved at the regular Council meeting on September 11, 2012.*
- 4.04: Approve License:
 - Motor Vehicle
 - Joe Davis Auto Repair, 7060 – 143rd Avenue NW, Ramsey, MN 55303
- ~~4.05: 2012 City of Ramsey Happy Days Re-Cap~~ This item was removed from the Consent Agenda and considered as Item 7.02.
- 4.06: Approve the Demolition of Buildings Located on 8020 147th Avenue NW; plus site cleanup and to award contract for services to Sauter and Sons Excavating
- 4.07: Authorize Request for Proposals for Analysis of a Full Service, Year Round Recycling Drop-Off Center and Non-Site Specific Plan Development
- 4.08: Introduce Ordinance to Vacate a Portion of Drainage and Utility Easement on 8250 163rd Avenue NW; Case of William Nemec and Shari Monchamp
- 4.09: Adopt Resolution #12-09-139 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of September 7 2012, through September 19, 2012
- 4.10: Adopt Resolution #12-09-140 Proclaiming October 2012 Domestic Violence Awareness Month
- 4.11: Adopt Resolution #12-09-141 Authorizing Partial Payment to North Pine Aggregate for IP 12-20 CSAH 83 (Armstrong Boulevard) – Sunwood Drive
- 4.12: Adopt Resolution #12-09-142 Authorizing Partial Payment to Knutson Construction for IP 10-22 Parking Ramp, Phase II
- 4.13: Adopt Resolution #12-09-143 Authorizing Partial Payment to Allied Blacktop Company for IP 12-00; 2012 Street Maintenance Program
- 4.14: Adopt Resolution #12-09-144 Approving the Terms of the Interfund Loan in Connection with TIF District #14 (Funding for Armstrong/Sunwood Drive Realignment)
- 4.15: Adopt Resolution #12-09-145 Accepting Cash Donation of Earnings from J. Todd Embury, Election Worker to be Applied to the Park Improvement Trust Fund as Prescribed by Donor

- 4.16: Adopt Resolution #12-09-146 Adopting Findings of Fact #0905 and Adopt Resolution #12-09-147 Approving Request for an Interim Use Permit to Allow for the Operation of a Church in the B-1 Business District on the Property Located at 5900 167th Avenue NW; Case of Rum River Retail Ventures, LLC
- 4.17: Adopt Resolution #12-09-148 Adopting Comprehensive Plan Amendment; and Introduce an Ordinance to Amend City Zoning in the Windsorwood Subdivision Related to the City-Owned Lands Project
- 4.18: Report from the Finance Committee – Meeting Date: September 11, 2012:
1) Authorize Request for Proposals for Banking Services – *Ratify the recommendation of the Finance Committee to submit an RFP for banking services to Bank of the West, Landmark Bank, US Bank, and Village Bank with the understanding that banking services would begin January 1, 2013, if there is a change from the current bank vendor (Village Bank).*

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 Councilmember McGlone, to approve the agenda as presented.

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

6. PUBLIC HEARING

6.01: Public Hearing and Levy of Assessments for Past-Due Charges on Municipal Utility Bills and Current Services Rendered

Mayor Ramsey closed the regular portion of the City Council meeting at 7:07 p.m. in order to conduct a public hearing.

Public Hearing

Mayor Ramsey called the public hearing to order at 7:07 p.m.

Presentation

Finance Director Lund reviewed the staff report.

Citizen Input

There was none.

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

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

The public hearing was closed at 7:10 p.m.

Council Business

Mayor Ramsey called the regular City Council meeting back to order at 7:10 p.m.

Motion by Councilmember Elvig, seconded by Mayor Ramsey to adopt Resolution #12-09-148A adopting assessments for past-due charges on Municipal Utility Bills (which may include water, sewer, street lighting, recycling, storm water charges and penalties incurred) and current services rendered.

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

Finance Director Lund advised of the dates for payment and timing for certification to Anoka County.

7. COUNCIL BUSINESS

7.01: Acknowledge Award of Two Trail Grants

Parks and Assistant Public Works Superintendent Riverblood reviewed the staff report and briefed the community on the City's success in trail development during the last twelve months. He presented a \$100,000 check from the Mn/DNR to the City of Ramsey for the Central Park to Alpine Drive trail. It was noted the funding for this program is from the Environmental and Natural Resource Trust Fund and lawful gambling (lottery) dollars. Parks and Assistant Public Works Superintendent Riverblood completed presentation of trail development.

Metropolitan Council Representative Reynoso commented on the City's successful partnerships and vision. He presented a \$1,120,000 check from the Metropolitan Council Transportation Advisory Board to the City of Ramsey to construct three miles of the Mississippi River Trail.

Parks and Assistant Public Works Superintendent Riverblood stated it speaks to the collaboration within the region and announced that Anoka County Parks, as part of this application, would take down the local match for this grant, resulting in \$300,000 of additional improvements to Mississippi West Park. Parks and Assistant Public Works Superintendent Riverblood then addressed future projects including the Mississippi Skyway and other a regional improvements.

Motion by Councilmember McGlone, seconded by Councilmember Backous, to acknowledge and accept the award of two trail grants and authorize staff to begin project development.

Further discussion: The Council acknowledged and thanked Parks and Assistant Public Works Superintendent Riverblood for his impressive work and success in securing grant funds for the City's recreational facilities.

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

7.02: 2012 City of Ramsey Happy Days Re-Cap

City Administrator Ulrich thanked Management Analyst Brama for his leadership that contributed to the success of the Happy Days event.

Management Analyst Brama provided an update of the Happy Days event. He thanked sponsors, partners, the Happy Days Committee, Council, City staff, and all who contributed.

The Council and audience offered a round of applause to express their appreciation.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich and the Council announced upcoming meetings and events.

Interim Engineer Nelson reported on the Sunwood Drive project.

City Administrator Ulrich indicated the Fire Department responded to a fire incident in Nowthen, during which a person's life was saved.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 7:44 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.

TABLE OF CONTENTS

1. CALL TO ORDER 2

2. PRESENTATION..... 2

3. CITIZEN INPUT 2

4. CONSENT AGENDA 2

5. APPROVE AGENDA 5

6. PUBLIC HEARING 5

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

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

7. COUNCIL BUSINESS 7

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

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

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

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

8. MAYOR, COUNCIL AND STAFF INPUT 9

9. ADJOURNMENT 10

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

The Ramsey City Council conducted a regular meeting on Tuesday, October 9, 2012, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey
Councilmember Randy Backous
Councilmember David Elvig
Councilmember Colin McGlone
Councilmember Sarah Strommen
Councilmember Jeffrey Wise

Members Absent: Councilmember Jason Tossey

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

1. CALL TO ORDER

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Ramsey.

2. PRESENTATION

None.

3. CITIZEN INPUT

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

4. CONSENT AGENDA

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

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

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

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

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

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

5. APPROVE AGENDA

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

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

6. PUBLIC HEARING

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

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

Public Hearing

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

Presentation

Assistant Planner/Environmental Coordinator Anderson reviewed the staff report.

Citizen Input

There was none.

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

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

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

Council Business

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

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

A roll call vote was performed by the Recording Secretary:

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

Motion carried.

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

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

Public Hearing

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

Presentation

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

Citizen Input

There was none.

Council Business

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

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

7. COUNCIL BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Management Analyst Brama reviewed the staff report.

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

Councilmember Backous aye
Councilmember Wise aye

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

Motion carried.

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

Management Analyst Brama reviewed the staff report.

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

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

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

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

8. MAYOR, COUNCIL AND STAFF INPUT

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

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

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

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

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

9. ADJOURNMENT

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

Motion carried.

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

Respectfully submitted,

Diana Lund
Deputy City Administrator/Finance Director

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.

TABLE OF CONTENTS

1. CALL TO ORDER 2

2. PRESENTATION..... 2

3. CITIZEN INPUT 2

4. CONSENT AGENDA 3

5. APPROVE AGENDA 4

6. PUBLIC HEARING 4

 6.01: Public Hearing (continued) to Consider Extension or Revocation of a Conditional Use Permit for Motor Vehicle Sales at 8175 Riverdale Drive NW; Case of Quality RV 4

7. COUNCIL BUSINESS..... 5

 7.01: Consider Selection of Consultant Firm for Analysis of a Full Service, Year-Round Recycling Drop-Off Center and Non-Site Specific Plan Development..... 5

 7.02: Request for Final Plat Review of NORTHGATE ADDITION (Minor Plat) and Request for Site Plan Review and Conditional Use Permit for Northgate Performing Arts Center at the North East Intersection of Sunwood Drive and Peridot Street; Case of PSD, LL and Northgate Church 6

 7.03: Receive Bids and Authorize Contract for City Project #12-28 Rum River Hills Storm Sewer Improvements..... 7

 7.04: Sunwood Drive Project – Consider Change Order #4 8

 7.05: Consider Change Order #5 – Sunwood Drive (Sunwood Retail Improvements)..... 8

 7.06: Consider Ordinance to Amend City Code Section 117-118 (The COR) Approving Amendment to The COR Design Framework Related to Off-Street Parking, Signs, Parks and Trails, and Sub-District Boundaries..... 8

 7.07: Approve Additional Services – Sunwood Drive Construction Administration..... 8

8. MAYOR, COUNCIL AND STAFF INPUT 10

9. ADJOURNMENT 11

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

The Ramsey City Council conducted a regular meeting on Tuesday, October 23, 2012 at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey
Councilmember Randy Backous
Councilmember David Elvig
Councilmember Colin McGlone
Councilmember Sarah Strommen
Councilmember Jason Tossey
Councilmember Jeffrey Wise

Members Absent: None.

Also Present: City Administrator Kurtis Ulrich
Fire Chief Dean Kapler
Human Resources Manager Colleen Lasher
Development Services Manager Timothy Gladhill
Assistant Planner/Environmental Coordinator Chris Anderson
Management Analyst Patrick Brama
City Attorney William Goodrich
Development Manager Darren Lazan
Interim Engineer Ron Wagner
Interim Engineer Shane Nelson

1. CALL TO ORDER

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Ramsey.

2. PRESENTATION

2.01: Resolution Proclaiming Homelessness Awareness Month

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

3. CITIZEN INPUT

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

4. CONSENT AGENDA

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

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

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

5. APPROVE AGENDA

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

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

6. PUBLIC HEARING

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

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

Public Hearing

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

Presentation

Assistant Planner/Environmental Coordinator Anderson reviewed the staff report. He reported the applicant had submitted revised grading plans that addressed staff's concerns and the Lower Rum River Water Management Organization approved the permit, so staff recommends the Conditional Use Permit be continued contingent upon required improvements being completed prior to December 31, 2012.

Citizen Input

There was none.

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

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

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

Council Business

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

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

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

7. COUNCIL BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.04: Sunwood Drive Project – Consider Change Order #4

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

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

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

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

This item was removed upon adoption of the agenda.

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

Development Services Manager Gladhill reviewed the staff report.

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

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

7.07: Approve Additional Services – Sunwood Drive Construction Administration

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

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

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

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

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

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

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

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

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

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

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

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

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

8. MAYOR, COUNCIL AND STAFF INPUT

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

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

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

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

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

City Administrator Ulrich reviewed the current obligation for TIF districts.

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

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

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

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

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

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

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

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

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

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 8:50 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.

Meeting Date: 12/06/2012

By: Tim Gladhill, Community Development

Information

Title:

Request for Sketch Plan Review of Seasons of Ramsey; Case of The Seasons of Ramsey Limited Partnership

Background:

The City has received an application for Sketch Plan Review of SEASONS OF RAMSEY, a Major Plat for the development of fifty (50) townhome units in the TOWN CENTER GARDENS 3RD ADDITION.

Notification:

In accordance with City policy, Staff attempted to notify all Property Owners within 700 feet of the Subject Property of the Sketch Plan Review.

Observations:

The proposed development is actually a reconfiguration of an existing platted, yet undeveloped portion of TOWN CENTER GARDENS 3RD ADDITION. The style of townhomes proposed varies from the original approval of the previous plat, involving wider units and a net decrease in the number of forecasted units over the entire development area for the project. Currently, approximately fifty-six (56) units are platted, yet only over a portion of the entire eight (8) acre development area. The entire development area originally forecasted closer to seventy (70) units.

As part of the proposed development, a critical east-west connection of 147th Lane NW is created; a proposal that the City previously recommended with the previous plat. This connection provides necessary connectivity between Town Center Gardens and The COR. Said connection should improve safety and mobility for the entire area north of Bunker Lake Boulevard. In addition, since 147th Lane is now being connected, the full previously constructed 'loop' is no longer needed. The proposal contemplates the City vacating this right of way in favor of converting it to a private street, thus reducing slightly the maintenance obligations of the City for this development. A drainage and utility easement shall still be necessary for the public infrastructure in this location.

The design of the private roadway on the western edge of the development has some tight turning radii. The Developer has been asked to provide verification in the form of a turning exhibit to ensure public safety apparatuses have adequate turning movements. The Developer has provided initial feedback that appears to verify compliance with City requirements. There may be additional improvements and clear zones to enhance the maneuverability of this area.

Grading, Drainage, Utility, and Landscaping Plans are not required at the Sketch Plan phase. However, Staff has attempted to identify any critical issues to be addressed with the Preliminary Plat, where these plans shall be required.

As an outstanding item to address on the Preliminary Plat, Staff will be verifying which development fees were previously paid with the original plat. As it appears that the number of units previously platted exceeds the number of units proposed in the new plat, development fees would not be due based on 50 units. However, since capital was invested to construct infrastructure to support the Plat, there would not be any entitlement to a refund.

The Developer has been successful in acquiring financing from the Minnesota Housing Finance Agency (MHFA). As part of that financing, the Developer received points for local contribution. The City Council previously agreed in concept for a land donation in the form of vacated right of way (previously mentioned) and conveyance of a small, remnant parcel currently owned by the City of Ramsey Housing and Redevelopment Authority (HRA). This

remnant parcel does not have development potential on its own, and the only logical use is to combine with this proposed development.

Funding Source:

All costs associated with reviewing the application are the responsibility of the Developer.

Staff Recommendation:

Staff recommends that the Developer proceed with preparation and submittal of the Preliminary Plat.

Committee Action:

No action is needed at this time. The Sketch Plan phase allows the Planning Commission to submit feedback to the Developer of lot configuration, street alignment, and other critical subdivision ordinances, prior to preparation of detailed plans. The Planning Commission should recommend any requested changes and/or re-submittal of the Sketch Plan if desired.

Attachments

Site Location Map

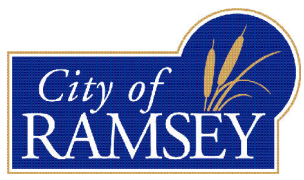
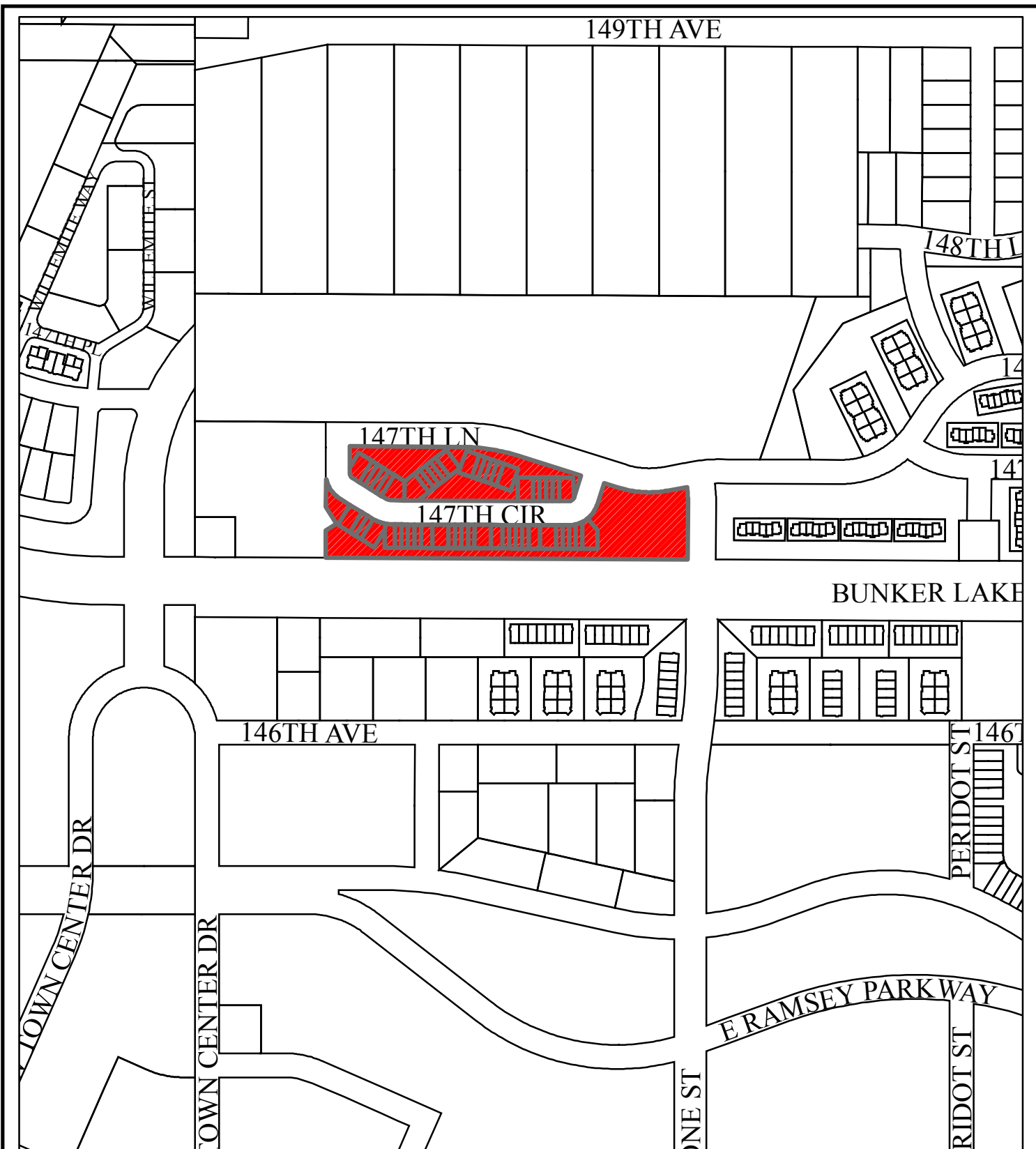
Sketch Plan

Architectural Renderings

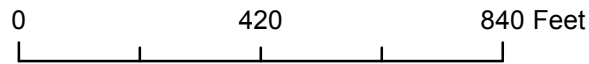
Staff Review File dated November 30, 2012

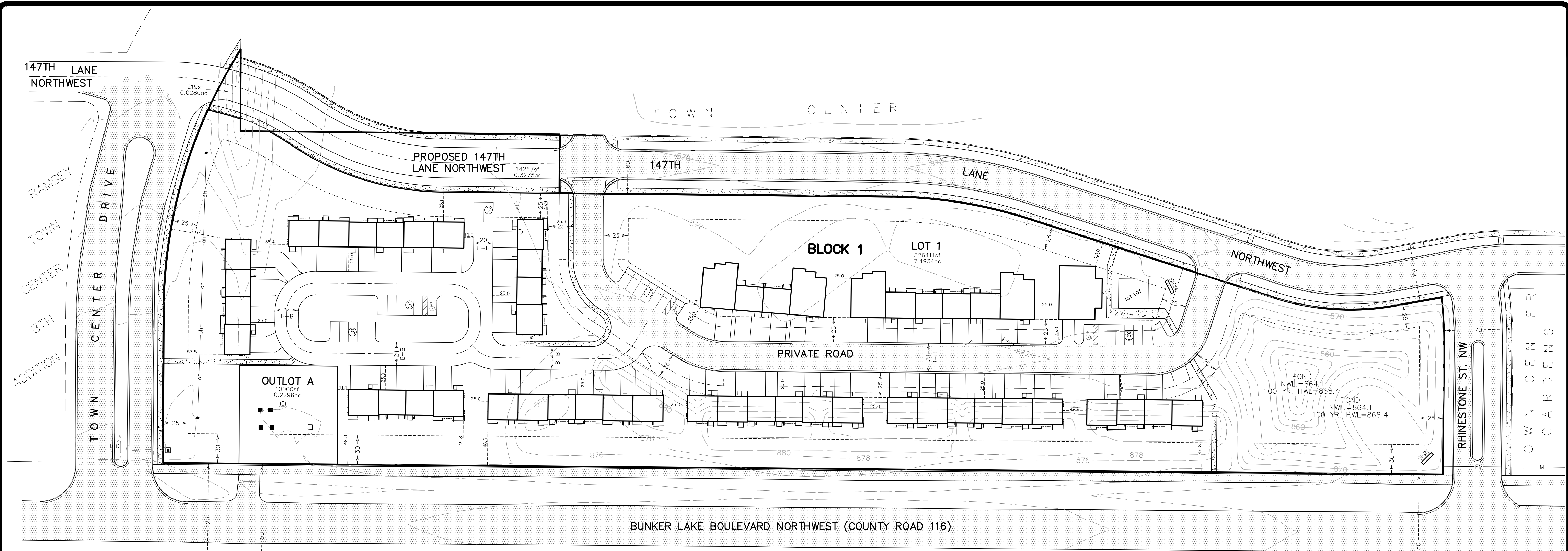
Form Review

Inbox	Reviewed By	Date
Len Linton	Len Linton	11/30/2012 01:30 PM
Hakanson Anderson Engineering	Shane Nelson	11/30/2012 01:53 PM
Matt Kohner	Matt Kohner	11/30/2012 02:17 PM
Chris Anderson	Chris Anderson	11/30/2012 03:02 PM
Tim Gladhill (Originator)	Tim Gladhill	11/30/2012 03:03 PM
Form Started By: Tim Gladhill		Started On: 11/30/2012 09:35 AM
	Final Approval Date: 11/30/2012	



The Seasons of Ramsey





AREA SUMMARY

TOTAL AREA	8.0785	ACRES
PROPOSED R.O.W. AREA	0.3555	ACRES
TOTAL LOT AREA	7.4934	ACRES
TOTAL OUTLOT AREA	0.2727	ACRES
TOTAL OUTLOTS	1	
NUMBER OF LOTS	1	
NUMBER OF UNITS	50	
COMMUNITY BUILDING	1	
GROSS DENSITY (EXCLUDES OUTLOTS)	6.4055	UNITS/ACRE
NET DENSITY (EXCLUDES OUTLOTS & R/W)	6.6725	UNITS/ACRE

PARKING DATA

TOTAL PARKING SPACES	228
STANDARD PARKING STALLS	25
HANDICAP PARKING STALLS	3
DRIVEWAY SPACES	100
GARAGE SPACES	100

SETBACKS

FRONT—FOUNDATION TO CURB	20
SIDE—FOUNDATION TO FOUNDATION	20
REAR—BUILDING TO RHINESTONE STREET NE, 147TH STREET NW, AND TOWN CENTER DR.	25 FT
REAR—BUILDING TO COUNTY RD. 116	30 FT

PROPOSED LEGAL DESCRIPTION FOR SKETCH PLAN PURPOSES ONLY
 Lots 1 thru 29, Block 5, Lots 1, thru 25, Block 6, and Outlot F, TOWN CENTER GARDENS THIRD ADDITION according to the recorded plat thereof, Anoka County, Minnesota.
 Together with:
 All that part of vacated 147th Circle Northwest, accruing thereto.
 Together with:
 Outlot C, RAMSEY TOWN CENTER 8TH ADDITION according to the recorded plat thereof, said Anoka County.
 Together with:
 The south 100.00 feet of the west 100.00 feet of the North Half of the Northeast Quarter of Section 28, Township 32, Range 25, Anoka County, Minnesota.



2422 Enterprise Drive
 Mendota Heights, MN 55120
 (651) 681-1914
 Fax: 681-9488
 www.pioneereng.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
 Name: Paul Thomas
 Reg. No.: XXXX
 Date:

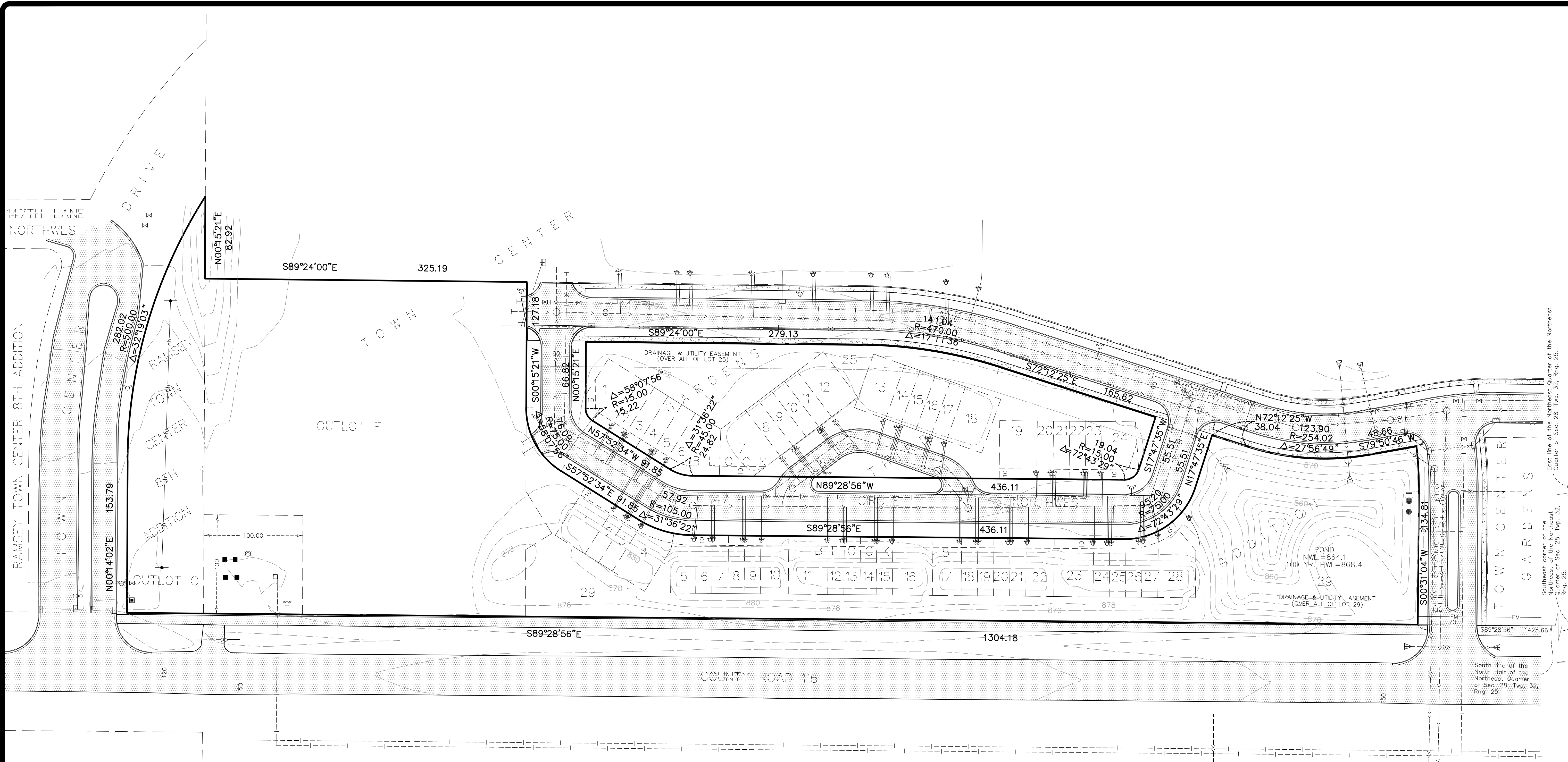
Revisions

Date	11-5-12
Designed	PT
Drawn	NJK

SKETCH PLAN

The Seasons Townhomes of Ramsey Limited Partnership
 3601 18th Street South, Suite 117
 ST. CLOUD, MINNESOTA 56301

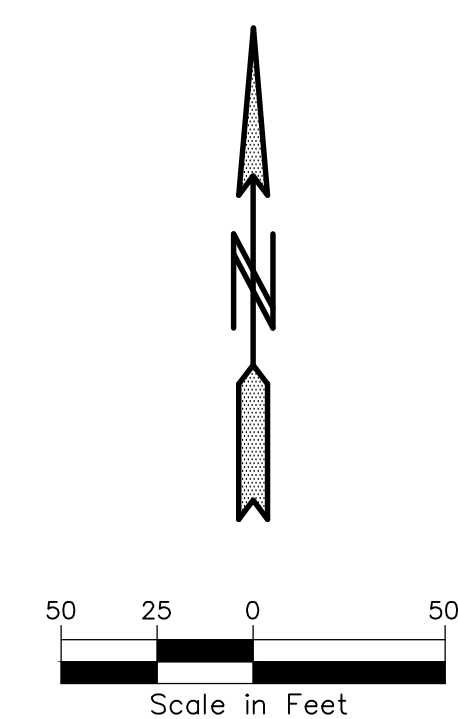
THE SEASONS TOWNHOMES OF RAMSEY
 RAMSEY, MINNESOTA



LEGEND

- Denotes concrete
- Denotes bituminous
- Denotes storm sewer line
- Denotes sanitary sewer line
- Denotes water line
- Denotes overhead utility lines
- Denotes catch basin
- Denotes flared end section
- Denotes gate valve
- Denotes hydrant
- Denotes light pole
- Denotes utility pole
- Denotes sanitary or storm manhole
- Denotes service
- Denotes telephone box
- Denotes electric box

EXISTING LEGAL DESCRIPTION
 Lots 1 thru 29, Block 5, Lots 1, thru 25, Block 6, and Outlot F, TOWN CENTER GARDENS THIRD ADDITION according to the recorded plat thereof, Anoka County, Minnesota.
 Together with:
 Outlot C, RAMSEY TOWN CENTER 8TH ADDITION according to the recorded plat thereof, said Anoka County.
 Together with:
 The south 100.00 feet of the west 100.00 feet of the North Half of the Northeast Quarter of Section 28, Township 32, Range 25, Anoka County, Minnesota.



PIONEERengineering
 CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

2422 Enterprise Drive
 Mendota Heights, MN 55120
 (651) 681-1914
 Fax: 681-9488
 www.pioneereng.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
 Name _____
 Title PT
 Reg. No. _____ Date _____

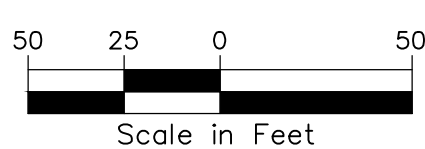
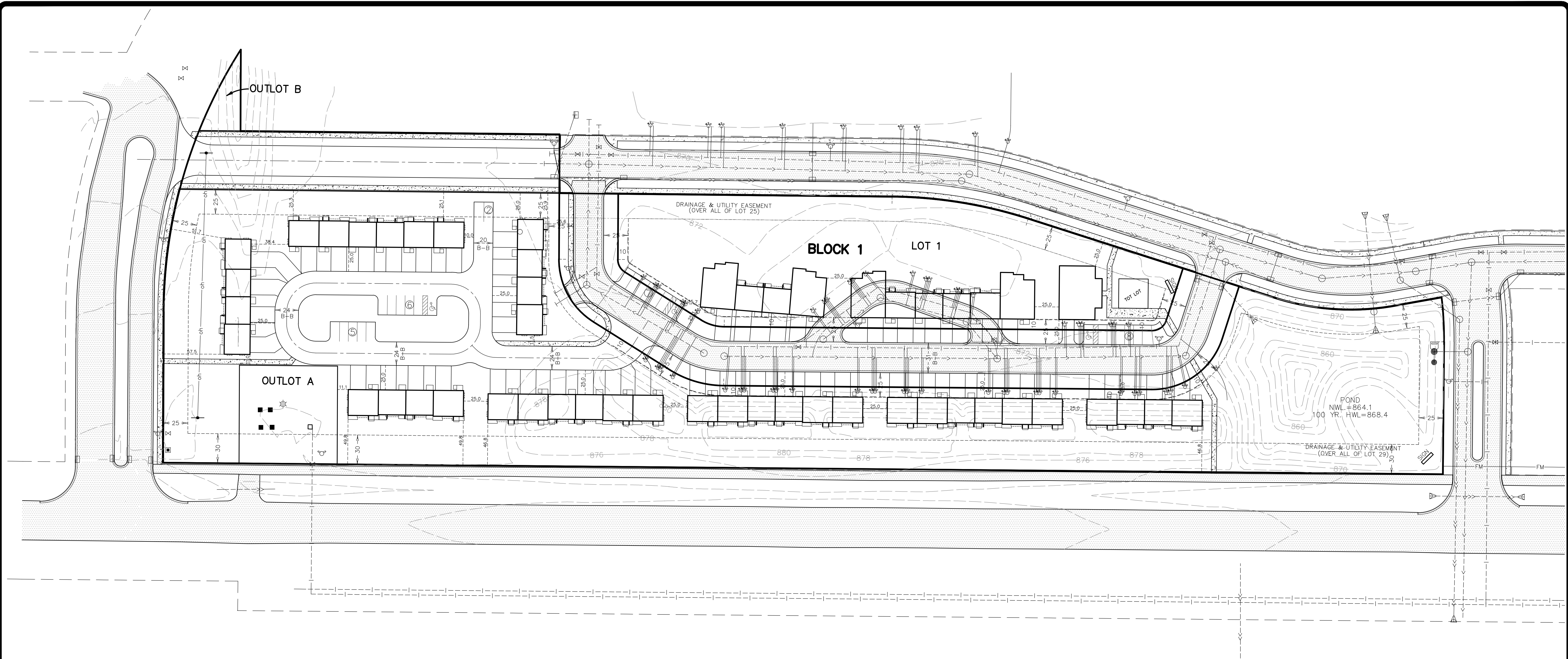
Revisions	Date
	11-5-12
	Designed PT
	Drawn NJK

Date 11-5-12
 Designed PT
 Drawn NJK

EXISTING CONDITIONS

The Seasons Townhomes of Ramsey Limited Partnership
 3601 18th Street South, Suite 117
 ST. CLOUD, MINNESOTA 56301

THE SEASONS TOWNHOMES OF RAMSEY
 RAMSEY, MINNESOTA



PIONEERengineering
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

2422 Enterprise Drive
 Mendota Heights, MN 55120
 (651) 681-1914
 Fax: 681-9488
 www.pioneereng.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
 Name _____
 Reg. No. _____ Date _____

Revisions

Date	11-5-12
Designed	PT
Drawn	NJK

SKETCH PLAN WITH EXISTING OVERLAYED

The Seasons Townhomes of Ramsey Limited Partnership
 3601 18th Street South, Suite 117
 ST. CLOUD, MINNESOTA 56301

THE SEASONS TOWNHOMES OF RAMSEY
 RAMSEY, MINNESOTA

00-SURV-112304-PROPOSED WITH EXISTING OVERLAY



November 30, 2012

The Seasons of Ramsey Limited Partnership
Attn: J. Michael Podawiltz
3601 18th Street South, Suite 117
St. Cloud, MN 56301

**Re: Sketch Plan Review
Seasons of Ramsey**

Dear Mr. Podawiltz:

The City of Ramsey has received your application for a Minor Plat to construct a 50 unit townhome development on approximately 8.08 acres within the TOWN CENTER GARDENS 3RD ADDITION. City Staff has recommended that you proceed with preparation of the Preliminary Plat contingent upon the following:

- Required amendments as outlined in the attached Staff Review File dated November 30, 2012

Please note: this is only a recommendation that is subject to approval by the City Council.

Copies of the review file and staff report are attached for your review. The Planning Commission will review the request on Thursday, December 6th at 7:00 p.m. in the Council Chambers. You, or a representative of the development, are highly encouraged to attend this meeting. Please contact me at your earliest convenience prior to the meeting to verify if you will be attending. Please let me know if you have any questions or concerns. I can be reached at 763-576-4308 or by email at tgladhill@ci.ramsey.mn.us.

Sincerely,

CITY OF RAMSEY

Tim Gladhill
Development Services Manager

Enclosures

Review File: Seasons of Ramsey
Sketch Plan Review-Cover Letter
November 30, 2012
Page 2 of 2

This page intentionally left blank

**CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE**

DATE	11/30/12	PROJECT ADDRESS	TBD - MULTIPLE
PROJECT TITLE	SEASONS OF RAMSEY		
ESCROW #	113355		
DEPARTMENT:	Planning Division		
TECHNICAL REVIEWER:	Name: Tim Gladhill Phone: 763-576-4308 Email: tgladhill@ci.ramsey.mn.us		

We offer the following comments regarding your site plan and plat submittal:

General: The Subject Property is located north of Bunker Lake Blvd. and east of the extension of Town Center Drive. A total of 8.08 acres are contained within the proposed plat. The proposed development consists of 50 townhome units. This is a re-plat of a portion of TOWN CENTER GARDENS 3rd ADDITION. The result of the Plat is a net decrease in the number of units originally forecasted for the entire 8.08 acres.

Due to Anoka County Plat naming requirements, the name of the Plat will need to be amended to Seasons of Ramsey. The name of a Plat cannot lead with the word ‘The’.

Zoning/Density: The project area is located in the COR-4 Neighborhood District, which is intended to include a full range of housing types. The District allows for residential uses at a net density of up to 10 units per acre. The Sketch Plan indicates a net density of 6.25 units per acre.

Lots: The plat is proposing to re-subdivide portions of RAMSEY TOWN CENTER 3RD ADDITION into 50 units. City Code requires that units intended for separate ownership shall be subdivided individually through the platting process. In this case, the development is proposed to be under single-ownership. Nonetheless, each individual unit shall still have a separate municipal utility connection; that being that one single water service cannot service an entire building, unless otherwise approved by the previous plat approval.

Setbacks: The COR-4a Zoning District requires the following setbacks:

Front yard	0 to 25 feet as measured from building front to edge of sidewalk;
Side yard	None, unless required by building code;
Rear yard	None, unless required by building code.

Due to the configuration of existing roadways and built infrastructure, it is difficult to for all individual units to be within this build-to line. The Design Framework for The COR states that at least 60% of the building be within this build-to line. Staff will address the required review related to setbacks with the Preliminary Plat.

Public Streets: The plat will derive access from 147th Lane. The plat also contemplates vacating 147th Circle, converting that section of public roadway to a private street. Staff finds this generally acceptable, as the plat also proposes to extend 147th Lane westerly to connect to Town Center Drive. The net result is the elimination of a dead-end street and provides connectivity and circulation north of Bunker Lake Boulevard between the Town Center Gardens and North Commons areas.

The street names must be aligned with the Anoka County Street Name Grid and must be reflected on all future submittals.

Private Streets: The table below indicates City Code requirements for private street lengths:

Maximum private street length without a turnaround provided	200 feet
Maximum private street length with a turning provision provided	300 feet
Maximum private street length with a cul-de-sac provided	600 feet, when exceeding the 300 foot length requirement, the private street width must be 32 feet.

The private streets as shown on the site plan comply with the length restrictions.

All of the private streets are 24 feet wide. City Code prohibits on-street parking on 24 foot wide private streets. The Development Contract will require all private streets to be signed for “No Parking”. The Developer will be responsible for the cost of the signs, including installation, as a Stage I Improvement in the Development Contract. The Homeowners Association will be responsible for the ongoing maintenance costs associated with the signs.

The naming of the private streets must be in accordance with the County street grid system.

Sidewalk and Trails. Sidewalks are required on both sides of all public streets.

Open Space: The Town Center Development Review Guidelines encourage the integration of private courtyards and pocket parks within the COR-4 Neighborhood District. These small green areas provide important breathing space, contribute to stormwater management, and offer additional recreational amenities to serve the building tenants. The preliminary site plan complies with the development guidelines and provides green spaces for recreational and stormwater management purposes on each block.

Permits: The applicant is responsible to secure all required permits for this project; including but not limited to an MPCA NPDES construction permit, a Lower Rum River Watershed Organization permit, and Anoka County and MnDOT right-of-way permits. Additionally, the contractor performing the work will be required to get a City license and right-of-way permit.

Lighting: The City has not received a lighting plan for review. City standards require that the luminaire (light source) must not be visible from beyond the property line. Any lighting used to illuminate an off-street parking area, sign, or structure shall be arranged to deflect away from public roadways and adjacent parcels. The Applicant is responsible for the installation, and three (3) years of operations and maintenance, of all boulevard lighting.

Development Fees. As part of the approval for TOWN CENTER GARDENS 3RD ADDITION, development fees (Park Dedication, Trail Development, Stormwater Management, Sanitary Sewer Trunk, and Water Trunk) were paid for fifty (50) units. As part of the Preliminary Plat review, Staff will verify if any additional development fees shall be required.

Townhouse Design/Architectural Standards: The development is proposing one townhouse style (row house units). The COR Design Framework establishes a brick enhancement threshold of 35% of the non-glazed area of the front facing wall, unless the building design is enhanced through other means such as covered porch areas, broken roof lines, articulated façade and material or color changes. Although not part of the official Sketch Plan Submittal, architectural elevations have been submitted for all the units along with one color elevation. It is Staff's understanding that there will be some color variation between the buildings. Color elevations are needed that indicate building materials and colors that are proposed for all of the units. The minimum/maximum building height in this district is 2-4 stories. All of the dwelling units are 2 stories and comply with the height requirements.

Townhouse Size: City Code requires townhouse units to be a certain size based on the number of bedrooms the unit will have:

1 bedroom	700 square feet
2 bedroom	800 square feet
3 bedroom	960 square feet

All of the proposed units significantly exceed City Code requirements.

Off-Street Parking Requirements: The COR-4 District requires 2 off-street parking spaces for each unit; this requirement is exceeded with the 2-car garages and 25 foot wide driveways. Some parking is allowed on public streets, however, this may not be adequate for overflow parking. There is no additional off-street parking provided within the plat.

Driveway Length/Width: Under the COR-4a Zoning Code, driveways for the row townhomes must be at least 25 feet in length. All of the proposed units meet this requirement.

Mailbox Location: The placement of mailboxes for the townhome units should be located along the private streets when possible. Location of mailboxes along public streets will need to be clustered and is subject to the review and approval of the Streets Supervisor.

Address Signage: The City will be requiring an address location sign (specifying the units addresses) to be placed at the entrance of all private streets. The required signage will assist

Review File: Seasons of Ramsey
Sketch Plan Review-Planning Division
November 28, 2012
Page 4 of 4

emergency services in locating a specific unit when called to the site. In order to assist Staff in review of the placement of signs and to ensure an orderly look of the site, please revise the signage and striping plan to show address signs. The address signage is subject to the review and approval of the City Engineer and Police Chief. It should be noted that signs identifying the development will require a separate sign permit.

**CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE**

DATE	11/29/12	PROJECT ADDRESS	TBD - MULTIPLE
PROJECT TITLE	THE SEASONS OF RAMSEY		
ESCROW #	113355		
DEPARTMENT:	Engineering		
TECHNICAL REVIEWER:	Name: Shane Nelson / Leonard Linton Phone: 763 433-9825/ 433-9834 Email: haengineering@ci.ramsey.mn.us/ llinton@ci.ramsey.mn.us		

Plans Reviewed: Sketch plan prepared by Pioneer Engineering dated 11-5-12 consisting of 2 pages.

We offer the following comments regarding your site plan and plat submittal:

Grading and Drainage: A grading plan was not provided with this submittal. The site was previously graded for townhomes and the new development will generally use the existing grades. There are two areas where the existing grades will be changed as noted below:

1. The area between the private road and 147th Lane NW currently has a paved driveway. This driveway and the underlying utilities will be removed under this development plan.
2. The area west of the private road and south of proposed 147th Lane NW was not improved in the previous plans.

The existing pond in the southeast corner of the site was sized to provide stormwater ponding for this site and the area north of 147th Lane NW. Storm sewer pipe installed in 147th Lane was sized to handle all of the runoff and direct it to the stormwater pond.

This project will require a permit from the Lower Rum River Water Management Organization (LRRWMO). The requirements of the LRRWMO include infiltration of the first inch of runoff from the developed site. Permit applications must be submitted by the first Thursday of the month for consideration at the monthly meeting on the 3rd Thursday. The application form is available online.

The following notes should be added or amended on the plan set:

- The contractor should have a sweeper on site or available within 3 hours. All material tracked onto City streets must be removed immediately upon discovery, or as directed by the City Engineer.
- Installation of silt fence and other down gradient sediment protection measures shall be completed and inspected prior to commencement of any site activities.

Please note on the plans if there is any dewatering required for this project. If so, the City will want to review the dewatering plan prior to implementation. No dewatering activities can occur until the required permit is secured and submitted for review.

A new grading plan that incorporates these notes will be required

Street and Building Access: The plan proposes extension of 147th Lane NW west to connect with Town Center Drive. This street will be public and must be constructed to City Standards. Sidewalks will be required on both sides of the street. The private drive west of the private road must be able to accommodate fire truck access. Our standard is a minimum radius of 30 feet on all inside curves along the access route. A turning template exhibit will be required demonstrating the standard is achieved.

- Any impacts to City streets (wet tap and curb cut locations) should be brought to grade with class 5 by the end of the work day and paved within 24 hours.
- An access to the existing municipal well site must be provided from Town Center Drive. The existing access to Bunker Lake Boulevard will then be removed.

Utilities:

- Watermain must be extended to connect to Town Center Drive along 147th Lane NW.
- All ductile iron watermain 6" in diameter and smaller requires class 53 material.
- The sewer and water north of the private road must be removed to allow construction of the proposed buildings. The mains must be removed back to the Tee or Manhole and capped securely.
- Water services shall be abandoned by digging down and removing the service riser and capping the stub.
- Sanitary sewer services shall be abandoned by digging down and gluing a cap on the pipe to remain.
- All hydrants must be hand painted.
- The detail sheet must include the current City Details for any improvements proposed within the right-of-way. The manhole details should be updated to include language for a water tight wrap around the adjusting rings and include carconite markers for any manhole or gate valve that is located in unpaved areas.
- Drainage and utility easements will be required over the private roads to allow access for flushing hydrants.

Sidewalk and Trails. A five wide sidewalk is required on both sides of the proposed extension of 147th Lane NW.

Permits: The applicant is responsible to secure all required permits for this project; including but not limited to an MPCA NPDES construction permit, a Lower Rum River Watershed Organization permit, and Anoka County and MnDOT right-of-way permits. Additionally, the contractor performing the work will be required to get a City license and right-of-way permit.

Lighting: The City has not received a lighting plan for review. City standards require that the luminaire (light source) must not be visible from beyond the property line. Any lighting used to illuminate an off-street parking area, sign, or structure shall be arranged to deflect away from Bunker Lake Boulevard (CR 116). The Applicant is responsible for the installation, and three (3) years of operations and maintenance, of all boulevard lighting.

REU Number: This property will be subject to a storm water utility charge based upon the amount of impervious surface on the site. Townhouse units are considered single family units and each unit will be billed at the residential rate.

**CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE**

DATE		PROJECT ADDRESS	TBD - MULTIPLE
PROJECT. TITLE	THE SEASONS OF RAMSEY		
ESCROW #	113355		
DEPARTMENT:	Fire		
TECHNICAL REVIEWER:	Name: Matt Kohner, Fire Marshal Phone: 763-433-9832 Email: mkohner@ci.ramsey.mn.us		

We offer the following comments regarding your site plan and plat submittal:

Fire Department Access Roads:

- Roads 20 to 26 feet in width require “No Parking Fire Lane” signs to be posted on both sides.
- Please verify the turning radius of the loop street is large enough to accommodate fire truck movement.

**CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE**

DATE	11-27-12	PROJECT ADDRESS	TBD - MULTIPLE
PROJECT. TITLE	THE SEASONS OF RAMSEY		
ESCROW #	113355		
DEPARTMENT:	Landscape Review		
TECHNICAL REVIEWER:	Name: Chris Anderson Phone: 763-433-9905 Email: canderson@ci.ramsey.mn.us		

We offer the following comments regarding your site plan and plat submittal:

Landscaping: The submitted plans are deficient of a landscaping plan. A Landscaping Plan must be submitted prior to Preliminary Plat review by the Planning Commission. The Landscaping Plan should, at a minimum, include the following information:

- *Landscaping Plan shall identify the scientific and common name of each species, size (caliper and/or height, depending on species), root stock, quantity, and corresponding symbol on planting plan.*
- *The minimum required plantings shall be determined by utilizing the Canopy Cover formula (determine ratio of impervious area to entire site area, multiply the impervious area/site area ratio by the square footage of the pervious area to determine the required canopy cover square footage, refer to Ramsey Tree Book [available online at www.cityoframsey.com/environmental-services] for acceptable/preferred species and associated square footage for each).*
- *Plantings shall consist of not less than twenty-five percent (25%) deciduous or coniferous species and no more than twenty-five percent (25%) of the required canopy cover shall consist of shrubs and ornamental trees.*
- *Plant size at time of installation shall be as follows: deciduous trees shall be at least one (1) inch diameter, coniferous trees shall be at least five (5) feet in height, and shrubs shall be at least twenty-four (24) inches in height or width, depending on growth characteristics of each species.*
- *Landscaping notes should state that four (4) inches of MnDOT Premium Topsoil Borrow shall be applied to all areas not otherwise improved with buildings and impervious surfaces. Copies of load tickets shall be provided to the City to verify source of material. If amending on site material or receiving material from a supplier other than one that is pre-certified by the City, testing of material must be provided to confirm that it meets the MnDOT Premium Topsoil Borrow specification.*
- *All landscaped areas shall be irrigated and the irrigation system shall include rain sensors and a backflow preventer device.*
- *All areas not otherwise improved with buildings, streets, sidewalks, or other impervious areas, shall be finished with sod. Any deviation from sod shall require approval by the City Council.*
- *Tree planting detail(s) must be submitted that clearly states that planting depth shall be such that the first set of primary roots (root flare) are at final grade when installed; that only broken, deformed or dead branches shall be pruned at time of planting; and that the top portion of the wire basket and burlap shall be removed after the tree is set in planting hole.*

Review File: Seasons of Ramsey
Sketch Plan Review-Landscaping
November 28, 2012
Page 2 of 2

Tree Preservation: This site appears to be devoid of any significant tree cover and therefore, no tree preservation plan is necessary.

Regular Planning Commission

6. 2.

Meeting Date: 12/06/2012

By: Tim Gladhill, Community Development

Information

Title:

Staff Update

Background:

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

Vacate Easement at 8250 163rd Ave NW, Case of William Nemec and Shari Monchamp. The City Council adopted an ordinance to vacate portions of drainage and utility easements at 8250 163rd Ave NW. The vacation eliminates an existing encroachment that was recently discovered during a survey of the property. Staff will also be processing an Administrative Subdivision to address an encroachment into a side yard setback. Upon completion of both requests, the Property will be removed of all nonconformities.

Request for Zoning Amendment for Lot 9, Block 2, WINDSORWOOD; Case of the City of Ramsey. The City Council Adopted the Ordinance to amend the Zoning Designation from Public/Quasi-Public to R-1 Residential (Rural Developing). The City Council will consider sale of this Property in the near future.

Consider Extension or Revocation of a Conditional Use Permit for Motor Vehicle Sales at 8175 Riverdale Dr NW; Case of Quality RV. The City Council authorized an extension to complete terms of an approved CUP for Quality RV. It appears that Quality RV has now completed the required improvements.

Consider Site Plan and Conditional Use Permit Approval for Motor Fuel Sales and Car Wash for a Super America Located in the COR TWO Subdivision; Case of West Real Estate and Management, Inc. The City Council approved plans for the Super America.

Request for a Conditional Use Permit for Motor Vehicle Sales at 7815 Riverdale Dr NW; Case of Lake Region RV. The City Council approved the plans for Lake Region RV.

Request for Minor Plat and Site Plan Approval of Northgate Performing Arts Center; Case of Northgate Church, Inc. The City Council approved the plans for the Northgate Performing Arts Center as recommended by the Planning Commission.

Adopt Ordinance to Amend City Code Section 117-118 (The COR) Amending the Design Framework. The City Council adopted the Ordinance amending The COR Design Framework as recommended by the Planning Commission.

Adopt Ordinance to Amend City Code Chapter 117, Article II, Division 8 Entitled Signs. The City Council adopted revisions to the City's sign ordinance as recommended by the Planning Commission.

Adopt Ordinance to Vacate Drainage and Utility Easements at 6012 146th Ave NW; Case of Jesse and Dana VerBeek. The City Council approved vacated a portion of excess drainage and utility easement to allow construction of a home consistent with design guidelines for VILLAGE OF SUNFISH LAKE. The City Council also approved an Easement Encroachment Agreement to allow construction to begin prior to the effective date of the Ordinance, at the risk of the Property Owner/Builder.

Weekly Update Now Available on AgendaQuick. Each Week, Staff provides a Weekly Update document for

City Staff and City Council regarding items of interest within the City. That document is now available online, and available for Planning Commission review using the City's online agenda. This is the same location Planning Commissioners currently access the Planning Commission Agenda.

Status of Comprehensive Plan Amendments. As the Planning Commission may recall, the City approved a series of Comprehensive Plan Amendments recently, which included areas at Nowthen Boulevard and Green Valley Road (revert back to single-family from neighborhood commercial), 30 Acre South Highway 10 (revert back to commercial from Medium Density Residential), and The COR Development Plan. The amendments for the Green Valley location and south of Highway 10 have been approved. The COR Development Plan is scheduled for Metropolitan Council Community Development Committee on December 3rd and full Metropolitan Council on December 12th. The case reports indicate a favorable recommendation. The review also recommends approval of two (2) Transit Oriented Development (TOD) Grants.

Northstar Commuter Rail-Ramsey Station. As the Planning Commission may be aware, service has started at the Northstar Commuter Rail-Ramsey Schedule. Information and schedules are available online www.metrotransit.org.

Future Land Use of Former Municipal Center at 15153 Nowthen Boulevard NW. The City has been asked to review the potential of the former Municipal Center for use as a data center. The City Council and EDA have directed Staff to begin looking at potential layouts as well as zoning and compatibility issues. Review is also proposed to include a public input process, which is currently under design. Staff welcomes input on the process from the Planning Commission. If any changes to land use are proposed as an outcome of this process, the Planning Commission would become involved as part of the official amendment process.

Future Land Use of Area West of The COR, West of Armstrong Boulevard. As part of the Sunwood Drive realignment project, the EDA has asked that Staff look into future land uses for the area west of Armstrong Boulevard. The EDA has asked Staff to begin looking at potential layouts as well as zoning and compatibility issues. Review is also proposed to include a public input process, which is currently under design. Staff welcomes input on the process from the Planning Commission. If any changes to land use are proposed as an outcome of this process, the Planning Commission would become involved as part of the official amendment process.

New SAC Credit Policy. The Metropolitan Council has approved an amendment to the SAC Credit Policy. SAC is a Metropolitan Council fee for Sewer Accessibility Charge. Broadly speaking, the new policy, which somewhat reverts back to a previous policy, allows the City to apply SAC credits anywhere in the community when a permanent reduction in demand is experienced (physical conversion of space). Staff is available to answer specific questions the Planning Commission may have.

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Form Review

Inbox
Tim Gladhill (Originator)

Reviewed By
Tim Gladhill

Date
11/30/2012 11:59 AM
Started On: 11/30/2012

Form Started By: Tim Gladhill

Final Approval Date: 11/30/2012

Regular Planning Commission

6.3.

Meeting Date: 12/06/2012

By: JoAnn Shaw, Community Development

Information

Title:

Zoning Bulletins

Background:

Enclosed are zoning periodicals for your review.

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

Zoning Bulletins

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	11/30/2012 11:26 AM
Form Started By: JoAnn Shaw		Started On: 11/28/2012 04:04 PM
	Final Approval Date: 11/30/2012	

Zoning Bulletin

in this issue:

Freedom of Religion (RLUIPA)—Town's administrative proceedings under statutory environmental review process effectively prevent church's building project from going forward	2
Validity of Zoning Ordinance—Property owner seeks rezone via curative amendment	6
Validity of Zoning Ordinance—City Bans Natural Gas Drilling and Exploration for Two Years	9
Zoning News from Around the Nation	11

Freedom of Religion (RLUIPA)— Town's administrative proceedings under statutory environmental review process effectively prevent church's building project from going forward

Church alleges town's actions violate the

Contributors

Corey E. Burnham-Howard

For authorization to photocopy, please contact the **Copyright Clearance Center** at 222 Rosewood Drive, Danvers, MA 01923, USA (978) 750-8400; fax (978) 646-8600 or **West's Copyright Services** at 610 Opperman Drive, Eagan, MN 55123, fax (651) 687-7551. Please outline the specific material involved, the number of copies you wish to distribute and the purpose or format of the use.

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Zoning Bulletin is published and copyrighted by Thomson Reuters, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526. For subscription information: call (800) 229-2084, or write to West, Credit Order Processing, 620 Opperman Drive, PO Box 64833, St. Paul, MN 55164-9753.

POSTMASTER: Send address changes to Zoning Bulletin, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526.

WEST®

610 Opperman Drive

P.O. Box 64526

St. Paul, MN 55164-0526

1-800-229-2084

email: west.customerservice@thomsonreuters.com

west.thomsonreuters.com/quinlan

ISSN 0514-7905

©2012 Thomson Reuters

All Rights Reserved

Quinlan™ is a Thomson Reuters brand

Religious Land Use and Institutionalized Persons Act of 2000

Citation: *Fortress Bible Church v. Feiner*, 2012 WL 4335158 (2d Cir. 2012)

The Second Circuit has jurisdiction over Connecticut, New York, and Vermont.

SECOND CIRCUIT (NEW YORK) (09/24/12)—This case addressed the issue of whether a municipality's use of a statutory environmental review process is within the purview of the federal Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA")—and, thus, whether the actions of a municipality during a statutory environmental review process could violate RLUIPA. It also addressed whether a specific municipality's actions violated RLUIPA as well as a church's Free Exercise and Equal Protection rights under the United States Constitution.

The Background/Facts: Fortress Bible Church (the "Church") planned to build a worship facility and school on land that it owned in the Town of Greenburgh, New York (the "Town"). To construct its proposed building, the Church required three discretionary land use approvals from the Town: (1) site plan approval from the Town Board (the "Board"); (2) a waiver of a landscaped parking island requirement; and (3) a variance from the Town's Zoning Board of Appeals (the "ZBA") to allow the building to be located closer to one side of the property. Because the Church's proposal required discretionary government approval, it triggered New York's State Environmental Quality Review Act ("SEQRA"), N.Y. Comp. Codes R. & Regs. Tit. 6, §§ 617.2(b), 617.3(a).

The SEQRA review process entails several stages. First, the "lead agency" (in this case, the Board) must make an initial determination of environmental significance. If the environmental impact of the proposal is small, the lead agency can issue a negative declaration, meaning there is no potential for significant adverse environmental impact, or a conditioned negative declaration, meaning that the potential for adverse environmental impact can be mitigated by the agency. Alternately, if the lead agency determines that the proposal has the potential for at least one significant adverse environmental impact, the lead agency must issue a "positive declaration" and require the applicant to submit an Environmental Impact Statement ("EIS") evaluating the environmental impact of the project. Preparation of an EIS involves several steps. The applicant prepares a scoping document (outlining the scope of the environmental impact), a draft EIS ("DEIS"), and a final EIS ("FEIS"), and must seek feedback at each stage from the public and approval from the lead agency.

The Church submitted its initial proposal in November 1998. After submitting a revised proposal in January 2000, the Town's Planning Commissioner advised the Board that it could issue a Conditioned Negative Declaration. However, after the Church declined the Town's request to donate a fire truck or make some other payment in lieu of taxes, the Board issued a positive declaration, triggering the full SEQRA review process.

Over the next several years, the Church provided all of the information required by the SEQRA process. The Church eventually submitted a proposed FEIS. Although the universe of issues relevant to the SEQRA review was complete, the Town began to request new information and raise new issues for the Church to address. The Church provided the requested information and attempted to meet the Town's demands. During the summer of 2002, the Town stopped the review process altogether due to the Church's refusal to reimburse it for certain disputed fees the Town had incurred during the process.

In June 2003, the Church brought a legal action against the Town. Among other things, it alleged violations of RLUIPA. It sought an order compelling the Town to complete SEQRA review and approve the project.

RLUIPA bars states from imposing or implementing a "land use regulation" in a manner that imposes a substantial burden on a person or institution's religious exercise unless it is the least restrictive means of furthering a compelling state interest. (42 U.S.C.A. § 2000cc(a)(1).) A "land use regulation" is defined as "a zoning or landmarking law, or the application of such a law, that limits or restricts a claimant's use or development of land." (42 U.S.C.A. § 2000cc-5(5).) A substantial burden is one that "directly coerces the religious institution to change its behavior." To find a violation of RLUIPA, the burden must be more than a minimal impact on religious exercise, and there must be a close nexus between the two.

The Town had contended that RLUIPA was entirely inapplicable because SEQRA was not a land use regulation within the meaning of RLUIPA.

The district court entered judgment for the Church on all counts; it found that RLUIPA applied and that the Town had violated RLUIPA.

The Town appealed.

DECISION: Affirmed.

The United States Court of Appeals, Second Circuit, held that the actions of the Town in conducting the statutory environmental review process violated RLUIPA.

In so holding, the court agreed with the Town that SEQRA itself was not a zoning or landmarking law for purposes of RLUIPA. However, the court held that when a government uses a statutory environmental review process as the primary vehicle for making zoning decisions, those decisions constitute the application of a zoning law and are within the purview of RLUIPA. Thus, the Town's use of the SEQRA process did not automatically implicate RLUIPA. However, concluded the court, the Town's actions in using the SEQRA review process as its vehicle for determining the zoning issues related to the Church's land use proposal and its denial of the Church's proposal constituted an application of its zoning laws "sufficient to implicate RLUIPA for a number reasons": First, the SEQRA review process was triggered because the Church required three discretion-

ary land use approvals from the Town which all related to zoning and land use rather than traditional environmental concerns. Second, in its Town Code, the Town had intertwined the SEQRA process with its zoning regulations. Third, once the review process was underway, the Town focused on zoning issues rather than traditional environmental issues. Finally, the court declined to “endorse a process that would allow a town to evade RLUIPA by what essentially amounts to a re-characterization of its zoning decisions.”

Having found RLUIPA was applicable to the circumstances here, the court then determined that the Town had violated RLUIPA. The court found that “the Town’s actions during the SEQRA process substantially burdened the Church’s religious practice” where: the Church’s current facilities were inadequate to accommodate its religious practice; and the Town was acting in bad faith and in hostility to the project such that it would not have allowed the Church to build any worship facility and school on the subject property.

See also: *Westchester Day School v. Village of Mamaroneck*, 504 F.3d 338, 226 Ed. Law Rep. 595 (2d Cir. 2007).

See also: *Sts. Constantine and Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895 (7th Cir. 2005).

Case Note:

No court of appeals had previously addressed whether an environmental quality statute could constitute a zoning law under RLUIPA. In its decision, the court emphasized that in no sense did it “believe that ordinary environmental review considerations are subject to RLUIPA. However, when a statutorily mandated environmental quality review process serves as a vehicle to resolve zoning and land use issues, the decision issued constitutes the imposition of a land use regulation as that term is defined in RLUIPA.”

Case Note:

The Church had also alleged that the Town’s actions violated its rights under the First (free exercise of religion) and 14th (equal protection) Amendments, as well as New York law. The Second Circuit agreed.

The First Amendment generally prohibits government actions that “substantially burden the exercise of sincerely held religious beliefs” unless those actions are narrowly tailored to advance a compelling government interest. Without resolving whether zoning variance decisions challenged under the Free Exercise Clause are subject to strict scrutiny or rational basis review, the court concluded that the Town lacked a rational basis for delaying and denying the Church’s project and therefore violated the Church’s Free Exercise rights.

The Equal Protection Clause has traditionally been applied to governmental classifications that treat certain groups of citizens differently than others. Here, the

church had brought a class-of-one equal protection claim (i.e., where a single individual can claim a violation of his/her/its Equal Protection rights based on arbitrary disparate treatment). The court concluded that the Church's class-of-one claim was cognizable given the context: the case presented a clear standard against which departures could be easily assessed; the SEQRA review process was guided by regulation and the result could be challenged under Article 78; the Town was acting in its regulatory capacity as a sovereign rather than as a proprietor, making decisions about the ways in which property owners could use their land; and the evidence provided by the Church illustrated a disparity in treatment that could not fairly be attributed to discretion. Moreover, while the court recognized that the Church's "use of multiple comparators [was] unusual" (and provided the court with its first opportunity to address that issue); the court concluded that the Church's evidence of several other projects treated differently with regard to discrete issues was sufficient in this case to support a class-of-one claim. "Where, as here, the issues compared are discrete and not cumulative or affected by the character of the project as a whole, multiple comparators are sufficient so long as the issues being compared are so similar that differential treatment with regard to them cannot be explained by anything other than discrimination."

Under Article 78 of New York's Civil Procedure Law, a town's SEQRA determination may be set aside when it is "arbitrary, capricious or unsupported by the evidence." The court concluded that the record contained "ample evidence to support the district court's conclusion that the Town's actions were wholly disingenuous."

Validity of Zoning Ordinance— Property owner seeks rezone via curative amendment

Property owner also argues current zoning is
confiscatory

Citation: *Rice Family Trust v. City of St. Marys*, 51 A.3d 913 (Pa. Commw. Ct. 2012)

PENNSYLVANIA (09/07/12)—This case addressed the issue of whether a zoning ordinance that limited a landowner's property to a specified zoning district and specific allowed uses was: "arbitrary, unreasonable, or inconsistent with the stated purpose" of the zoning district, and thus subject to a curative amendment; and/or "confiscatory."

The Background/Facts: In April 2010, to protect its position as a third mortgage lienholder, the Rice Family Trust (the "Trust") purchased certain

property (the "Property") in the City of St. Mary's (the "City") in a mortgage foreclosure proceeding.

Prior to its acquisition by the Trust, the Property had undergone a series of different uses: As of 1983, the Property was used as a single-family residence and professional office. From 1983 to 1996, the Property was used as a single-family residence and the office of a public accounting firm. (The latter use was not permitted under the then-applicable zoning ordinance and operated without a zoning permit.) From 1996 to April 2010, the Property was used as four apartments and office space. (Both the former and latter uses were not permitted under the applicable zoning ordinance and operated without a zoning permit.)

Also prior to acquisition by the Trust, zoning ordinances applicable to the Property had been revised: In 1977, the Zoning Ordinance permitted single-family residences and medical offices. In 2006, the current Zoning Ordinance (the "2006 Ordinance") was enacted. The Ordinance limited the Residential Urban District, where the Property was located, to single-family detached houses and duplexes. The 2006 Ordinance prohibited professional offices, except for those properties abutting arterial streets. (The Property was not on an arterial street.)

After the Trust purchased the Property, it wanted to continue to use the Property as an office and four apartments. The Trust sought to have the Property rezoned from Residential Urban to Central Business in order "to use [the Property] as an economic return as best as [the Trust] c[ould] for the real estate market to return." The Trust submitted a curative amendment to the City Council.

The City Council did not act upon the amendment. Accordingly, under state law, it was deemed denied.

The Trust appealed to the trial court. The Trust contended that its request for a curative amendment should be granted because the 2006 Ordinance was arbitrary and unreasonable in that it excluded the uses currently and historically conducted on the Property. The Trust also argued that the 2006 Ordinance was confiscatory because it prohibited economically feasible uses for the Property.

The trial court denied the Trust's appeal. It found that a curative amendment was not warranted. The court found that the zoning of the Property was "a natural extension of the Residential-Urban District to the west and north" of the Property. The trial court also rejected the Trust's argument that the Property could not be used in an economically feasible manner in the Residential Urban District. It found the Trust's evidence on this point unpersuasive because the Trust had not explored alternative uses, such as turning the Property into a rental duplex.

The Trust again appealed.

DECISION: Affirmed.

The Commonwealth Court of Pennsylvania agreed with the trial court. It similarly found that a curative amendment was not warranted, and that the 2006 Ordinance was not confiscatory.

In finding a curative amendment was unwarranted, the court rejected the Trust's argument that the 2006 Ordinance was arbitrary and unreasonable with respect to the Property because it ignored the historic use of the Property and the commercial nature of other nearby properties. The court explained that a curative amendment would be granted where necessary to make a zoning ordinance valid. Thus, to obtain a curative amendment, the Trust had to establish that the 2006 Ordinance was invalid in that it was "unreasonable, arbitrary or not substantially related to the police power interest." The 2006 Ordinance would only be found arbitrary or unreasonable if it was "obvious that the classification ha[d] no relation to public health, safety, morals or general welfare."

The court found the 2006 Ordinance was valid in that it was reasonable given that it was consistent with the stated purpose of the Residential Urban District—which was to preserve the residential character of the neighborhood. "To protect the residential character of the neighborhood, the City Council made the legislative judgment that prohibiting professional offices would discourage commercial development that detracts from the 'residential character' of the neighborhood." Moreover, the court noted that the Property's prior uses as an apartment building and professional office were not dispositive or inconclusive given that the Property had also been used as a single-family house in the past. Also, noted the court, zoning district lines "must be fixed somewhere; and "[d]istrict lines drawn in the past do not control the future placement of zoning district lines."

In finding the 2006 Ordinance was not confiscatory, the court explained that the Trust had failed to prove that the Property had no value or only distressed value (i.e., was valueless) as a result of the 2006 Ordinance. To succeed on its claim, the Trust had to demonstrate one of three things, said the court: (1) physical features prevented the use of the Property as permitted under the 2006 Ordinance; (2) conforming the Property to a permitted use could be done only at a prohibitive expense; or (3) the Property had no value under any of the permitted uses. The court found that the Trust had not argued that the Property's physical features prevented its use in the manner zoned or that it could be done only at prohibitive expense. Instead, the Trust had argued that the Property was valueless under the 2006 Ordinance because the Property was not suitable for use as a single-family home or duplex. However, the court found that the Trust had "never explored the costs of using the Property as a duplex or as a single-family residence." The court also noted that the Property had been used as a single-family residence for many years. "An ordinance is not invalid merely because it does not permit the most lucrative use of property," said the court. The court concluded that the Trust's evidence did not prove that the Property has been rendered valueless. Thus, the Trust's claim that the 2006 Ordinance was confiscatory failed.

See also: *Briar Meadows Development, Inc. v. South Centre Tp. Bd. of Sup'rs*, 2 A.3d 1303 (Pa. Commw. Ct. 2010).

See also: *C & M Developers, Inc. v. Bedminster Tp. Zoning Hearing Bd.*, 573 Pa. 2, 820 A.2d 143 (2002).

See also: *Laurel Point Associates v. Susquehanna Tp. Zoning Hearing Bd.*, 887 A.2d 796 (Pa. Commw. Ct. 2005).

Validity of Zoning Ordinance—City Bans Natural Gas Drilling and Exploration for Two Years

Landowners say ban is invalid because it is a moratorium that fails to meet legal requirements

Citation: *Jeffrey v. Ryan*, 37 Misc. 3d 1204(A), 2012 WL 4513348 (N.Y. Sup 2012)

NEW YORK (10/02/12)—This case addressed the issue of whether a city ordinance banning natural gas drilling and exploration was invalid as a moratorium that did not meet the legal requirements for a moratorium.

The Background/Facts: On December 21, 2011, the City of Binghamton, New York (the “City”) adopted as Local Law 11-006: Chapter 250 of the City’s Code of Ordinances, entitled “Prohibition of Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes” (the “Ordinance”). The Ordinance banned gas drilling and exploration within the City until December 31, 2013, unless sooner repealed.

Subsequently, several entities (the “Opponents”) with interests related to natural gas drilling and exploration filed, among other things, a declaratory judgment action seeking to invalidate the Ordinance. The Opponents included: property owners in the City; an unincorporated group of landowners from the town adjoining the City; and the owner of a hotel in the City. Among other things, the Opponents argued that the Ordinance was a moratorium and that the requirements for a moratorium had not been met and thus the law was invalid.

The City maintained that the Ordinance was enacted pursuant to their police powers, and not as a zoning law. The City contended that the Ordinance was not a moratorium.

The Opponents moved for summary judgment. They asked the court to find that there were no material issues of fact in dispute and to decide the matter in their favor based on the law alone.

DECISION: Opponents’ motion for summary judgment granted.

The Supreme Court, Broome County, New York, found that the

Ordinance was a moratorium and held that the Ordinance was invalid because it failed to meet the criteria necessary for a properly enacted moratorium.

In so holding, the court found that the Ordinance was, in fact, a moratorium because it met the hallmark definition of a moratorium: it was a temporary ban on development or certain land uses. The City had argued that although the Ordinance was effective for a finite period, it was “not literally a moratorium because [the Ordinance] was not literally a zoning ordinance.” Again, the City maintained that the Ordinance was enacted pursuant to their police powers, and not as a zoning law. The court concluded that the two-year “sunset” rendered the City’s claims that the law was solely an exercise of their police powers “illusory”. “This activity [(i.e., natural gas drilling and exploration)] cannot be so detrimental that it must be banned, but only for two years, particularly when it is clear that the City is not engaging in any investigation, studies or other activities in the interim in order to determine if there is a way to alleviate any harm to the people of the city from this future activity,” said the court. The court found the Ordinance’s inclusion of a “sunset” provision led to “no other rational conclusion except that the law [was] a moratorium.”

The court said that for the Ordinance to be valid as a moratorium, the City had to show that its actions were: (1) in response to a dire necessity; (2) reasonably calculated to alleviate or prevent a crisis condition; and (3) that the City was presently taking steps to rectify the problem. The Court found that the Ordinance failed to meet the criteria for a properly enacted moratorium: First, there had been no showing of a dire need. There could be no showing of dire need, noted the court, since the New York State Department of Environmental Conservation (“DEC”) had not yet published the new regulations that were required before any natural gas exploration or drilling could occur in the state. Since there were no regulations, no permits were being granted. Second, since the DEC was not yet issuing permits, there was also no crisis nor a crisis condition that could possibly be shown by the City at this time, said the court. Finally, the court concluded that the “City clearly did not enact this law so that it could take steps to study or alleviate any problems that may be caused by gas drilling, exploration or storage.”

Accordingly, the court declared the Ordinance invalid.

See also: *Anschutz Exploration Corp. v. Town of Dryden*, 35 Misc. 3d 450, 940 N.Y.S.2d 458 (Sup 2012) (holding ECL § 23-0303(2) does not supersede local government’s rights to regulate the use of the lands within their jurisdiction).

See also: *Cooperstown Holstein Corp. v. Town of Middlefield*, 35 Misc. 3d 767, 943 N.Y.S.2d 722 (Sup 2012) (holding ECL § 23-0303(2) does not supersede local government’s rights to regulate the use of the lands within their jurisdiction).

See also: *Belle Harbor Realty Corp. v. Kerr*, 35 N.Y.2d 507, 364 N.Y.S.2d 160, 323 N.E.2d 697 (1974).

Case Note:

The Opponents had also argued that the Ordinance: was a zoning law that was required to be referred to the Broome County Planning Board prior to enactment; and was superseded by state Environmental Conservation Law ("ECL") § 23-0303 (governing mineral resources). The City contended that: because the Ordinance was enacted pursuant to the City's police powers, the City was not required to refer the local law to the Planning Board prior to enactment; and the Ordinance was not superseded by ECL § 23-0303.

Citing prior New York case law, the court concluded that ECL § 23-0303 "does not supersede local government's rights to regulate the use of the lands within their jurisdictions"; the Ordinance was not superseded by ECL § 23-0303.

Further, the court agreed that a municipality could enact laws pursuant to its police powers to protect the health, safety, and welfare of its citizens, and that it does not have to do so through a zoning law. If the Ordinance was not a zoning law, then the City would have no obligation to refer the Ordinance to the County Planning Board. However, the court determined that the City "failed to provide any evidentiary proof that would provide a justification, based upon the health and safety of the community, for the banning of gas exploration, storage and extraction. Instead of proof, the City [has] produced only conclusions." Those conclusions—that the law was enacted pursuant to the City's police power—could not, said the court, "change the true character of [the Ordinance]." The court then went on to declare the Ordinance as an invalid moratorium on a particular land use.

Case Note:

In its decision, the court recognized "that the issue of gas exploration, extraction and storage is a controversial issue currently being debated throughout the state, and that there may be fierce opposition to gas exploration, extraction and storage by some members of the community." However, the court said that "the City cannot just invoke its police power solely as a means to satisfy certain segments of the community. Rather, the [C]ity must satisfy the well[-]established legal requirements that show a dire emergency; that the moratorium is reasonably calculated to alleviate a crisis; and that they are taking steps to solve the problem."

Zoning News from Around the Nation

NATIONWIDE

On October 5, 2012, the U.S. Supreme Court agreed to hear the

combined cases of *Arlington, Texas v. FCC* and *Cable, Telecommunications & Tech v. FCC*, which seek guidance on the standard to apply when reviewing an agency's own determination that it has the authority to interpret federal law. The petitions before the court allege that the Federal Communications Commission has wrongly been awarded a certain deference standard for jurisdictional review that is allowing it to override state and local zoning laws for wireless facilities. The question the Supreme Court will now consider is whether "a court should apply *Chevron [v. Natural Resources Defense Council]* [which offers the highest degree of deference] to review an agency's determination of its own jurisdiction."

Source: *Bloomberg BNA*; www.bna.com

HAWAII

Recently, Maui County Council members unanimously moved forward a resolution urging the state Legislature to repeal Act 55 and the Public Land Development Corp ("PLDC"). Opponents of Act 55 said it "has wasted ceded state lands on public-private developments with no county oversight." "The law states that public lands can be used for parking lots, offices, retail, hotels, homes, time shares developments, storage facilities, garages, gas stations and industry, among other projects." Opponents say that while the law calls for the PLDC to coordinate with county planning departments, the language is "vague," and there is no mechanism to ensure local cooperation and oversight.

Source: *The Maui News*; <http://www.mauinews.com>

NEW JERSEY

Still pending in the state legislature is a bill (A2586 and S1534) that would exempt private universities and colleges from land use law. The Borough of Princeton recently hosted a public forum to discuss A2586. City officials said they consider the bill to be a "'slippery slope' that could eventually decimate local zoning in the name of institutions serving the public good." Reportedly, the Assembly Higher Education Committee is expected to discuss the bill in November.

Source: *New Brunswick Patch*; <http://newbrunswick.patch.com>

NEW YORK

"A state judge invalidated [the City of] Binghamton's two-year moratorium on natural gas drilling, marking the first time a local law that would ban or delay hydraulic fracturing in New York has been struck down." (See summary of case in this bulletin). "Local bans in Dryden and Middlefield have already passed muster with state courts." Reportedly, lawyers for environmental groups said they do not believe this ruling would imperil the other local bans.

Source: *The Huffington Post*; www.huffingtonpost.com

Zoning Bulletin

in this issue:

First Amendment—City says proposed sign is commercial and subject to Sign Ordinance's permitting requirements	2
Proceeding—Despite vote of three to zero with one abstention, variance application is denied under state statute requiring four concurring votes for variance approval	5
Spot Zoning—Through ordinance, city rezones parcel that was split-zoned so that entire parcel has same zoning	7
Proceedings—County council adopts ordinance that replaces agreement for a planned unit development with an amended agreement	9
Zoning News from Around the Nation	11

First Amendment—City says proposed sign is commercial and subject to Sign Ordinance's permitting requirements

Sign owners argue sign advertises expressive works and thus constitutes noncommercial speech and is protected by the First Amendment

Contributors

Corey E. Burnham-Howard

For authorization to photocopy, please contact the **Copyright Clearance Center** at 222 Rosewood Drive, Danvers, MA 01923, USA (978) 750-8400; fax (978) 646-8600 or **West's Copyright Services** at 610 Opperman Drive, Eagan, MN 55123, fax (651) 687-7551. Please outline the specific material involved, the number of copies you wish to distribute and the purpose or format of the use.

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Zoning Bulletin is published and copyrighted by Thomson Reuters, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526. For subscription information: call (800) 229-2084, or write to West, Credit Order Processing, 620 Opperman Drive, PO Box 64833, St. Paul, MN 55164-9753.

POSTMASTER: Send address changes to Zoning Bulletin, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526.

WEST®

610 Opperman Drive
P.O. Box 64526
St. Paul, MN 55164-0526
1-800-229-2084

email: west.customerservice@thomsonreuters.com
west.thomsonreuters.com/quinlan

ISSN 0514-7905

©2012 Thomson Reuters

All Rights Reserved

Quinlan™ is a Thomson Reuters brand

Citation: *Charles v. City of Los Angeles*, 2012 WL 4857194 (9th Cir. 2012)

The Ninth Circuit has jurisdiction over Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Northern Mariana Islands, Oregon, and Washington.

NINTH CIRCUIT (CALIFORNIA) (10/15/12)—This case addressed the issue of whether advertisements for expressive works constituted noncommercial speech within the meaning of a city's ordinance and were thus protected speech under the First Amendment to the U.S. Constitution.

The Background/Facts: The City of Los Angeles, California (the "City") has a sign ordinance (the "Sign Ordinance") that requires a building permit for all temporary signs other than those containing a "political, ideological or other noncommercial message."

In the City, Fort Self Storage had agreed to lease exterior wall space to Wayne Charles for the display of temporary signs bearing "content related to motion pictures, theatrical productions, television and radio programming, music, books, newspapers, paintings, and other works of art." As their first image, Wayne Charles and Fort Self Storage (hereinafter, collectively, "C & F") proposed to display an image composed of the logo for the television show "E! News," and photographs of the show's hosts, Ryan Seacrest and Giuliana Rancic. Before erecting the sign, C & F sought confirmation from the City's Building and Safety Department that the proposed sign was indeed exempt from the permitting requirements.

The City found the sign "appear[ed] to be strictly commercial in nature" and was thus subject to the Sign Ordinance's permitting requirements.

On September 29, 2010, C & F sued the City in federal district court. They asked the court to declare that the proposed "E! News" sign and all other signs they intended to display with "content related to motion pictures, theatrical productions, television and radio programming, music, books, newspapers, paintings, and other works of art" were exempt from the Sign Ordinance's permitting requirements under the clause exempting signs "contain[ing] a . . . noncommercial message" from the permitting requirements. Among other things, C & F argued that the City's decision to classify their proposed signs as commercial speech violated the First Amendment as applied to C & F's speech. C & F contended that the proposed "E! News" billboard should be considered an adjunct of or incidental to the "E! News" television program, which enjoys the same First Amendment protection for noncommercial expression as the advertised news program itself.

The district court dismissed C & F's claims concerning unspecified future signs bearing "content related to . . . works of art." As to the "E! News" sign, the court rejected C & F's argument. It found that the "E! News" billboard qualified as commercial speech and did not contain "even arguably noncommercial content." The district court entered judgment in favor of the City.

C & F appealed.

DECISION: Judgment of district court affirmed.

The United States Court of Appeals, Second Circuit, held that because the “E! News” billboard did not present solely noncommercial speech or even “intertwined [commercial and non-commercial] speech”, it had properly been classified by the City as commercial, and thus was subject to the Sign Ordinance’s permitting requirements.

In so holding, the court explained that: “Commercial speech enjoys a limited measure of protection, commensurate with its subordinate position in the scale of First Amendment values, and is subject to modes of regulation that might be impermissible in the realm of noncommercial expression.” In other words, municipalities can more strictly regulate offsite commercial signs than noncommercial signs.

So to determine whether C & F’s First Amendment rights were being violated here, the court had to determine whether the “E! News” billboard was commercial or noncommercial speech. The court admitted that the “the boundary between commercial and noncommercial speech” was a bit fuzzy. However, the court explained that where it is difficult to determine which category specific speech falls under, there is “strong support” that the speech should be characterized as commercial speech where: the speech is an advertisement; the speech refers to a particular product; and the speaker has an economic motivation.”

Here, C & F had conceded that the proposed “E! News” sign was an advertisement. And, it was undisputed that the sign referred to a particular cultural product and that C & F had an economic motivation in encouraging the public to view the program.

C & F had tried arguing that this advertisement went “beyond a bare proposal for a commercial transaction” because it also “promote[d] the ideas, expression, and content contained” in the television program and thus was entitled to full First Amendment protection. The court rejected that argument. It acknowledged that certain advertisements for noncommercial works might include both an invitation to participate in a commercial transaction as well as some amount of noncommercial expression entitled to heightened First Amendment protection. However, as long as those commercial and noncommercial messages were not “intertwined”, then “the government may permissibly restrict the commercial message regardless of its proximity to noncommercial speech.” On the other hand, if the speech includes both noncommercial and commercial elements that “are inextricably intertwined, . . . [the court applies its] test for fully protected expression.”

Here, the court concluded that the “E! News” billboard did not present intertwined speech. The sign consisted only of photographs of the program’s hosts and the name of the program; no other message was conveyed. That the underlying “E! News” program was itself entitled to full First Amendment protection did not cloak all advertisements for the program with noncommercial status, said the court. The court found that the district court properly determined that the “E! News” sign was commercial speech and correctly dismissed C & F’s claims.

See also: *Bolger v. Youngs Drug Products Corp.*, 463 U.S. 60, 103 S. Ct. 2875, 77 L. Ed. 2d 469 (1983).

See also: *Hunt v. City of Los Angeles*, 638 F.3d 703 (9th Cir. 2011).

Case Note:

C & F has also presented an alternative, "novel" argument: "truthful advertisements for expressive works are inherently noncommercial speech, because they are accorded the same First Amendment status as the underlying advertised work." The court rejected this argument. It acknowledged that in the limited context of specific tort actions, that rule may apply. However, the court declined to extend that limited exception.

Proceeding—Despite vote of three to zero with one abstention, variance application is denied under state statute requiring four concurring votes for variance approval

Applicant contends approval should be given since abstention created a situation where it was impossible to have a sufficient vote

Citation: *Green Falls Associates, LLC v. Zoning Bd. of Appeals of Town of Montville*, 138 Conn. App. 481, 2012 WL 4797820 (2012)

CONNECTICUT (10/16/12)—This case addressed the issue of whether the vote of a zoning board of appeals on a variance application, with a vote of three to zero with one abstention, is insufficient to have a vote under Connecticut statutory law, Conn. Gen. Stat. § 8-7, which requires the concurring vote of four members of a zoning board of appeals to vary a zoning ordinance.

The Background/Facts: In December 2006, Green Falls Associates, LLC ("Green Falls") entered into an agreement to purchase certain property in the town of Montville, Connecticut. The property was owned by Arthur W. DeGezelle. In June 2007, Green Falls applied to the zoning board of appeals of the town of Montville (the "ZBA") for a variance from certain yard setback requirements.

Two hearings were held on Green Falls' variance request. At both hearings, the chairman of the ZBA recused himself. At the second hearing, another member of the ZBA was absent. The four other members heard the presentations and deliberated. Of those four members, three voted in favor

of the variance application, and one abstained without giving reason for her abstention. Pursuant to Conn. Gen. Stat. § 8-7, notwithstanding the three votes in favor of the application, the ZBA denied the application.

Section 8-7 provides in relevant part: "The concurring vote of four members of the zoning board of appeals shall be necessary to . . . vary the application of the zoning bylaw, ordinance, rule or regulation. . . ."

Green Falls appealed the denial to the trial court. The trial court dismissed the appeal, finding the variance application failed to receive the necessary four votes pursuant to § 8-7. Green Falls again appealed. Green Falls argued: (1) the variance application did not fail to receive the necessary votes pursuant § 8-7 as the member's abstention "created a situation where it was impossible to have a sufficient vote by the [ZBA]"; and (2) the member's abstention could be counted as an affirmative vote.

DECISION: Judgment of superior court affirmed.

The Appellate Court of Connecticut rejected Green Falls' argument found that the member's abstention, which left only three voting members on the ZBA, was insufficient for a valid vote under § 8-7.

In so holding, the court found that Green Falls' "misconstrue[d] the meaning of § 8-7 in claiming that a vote of three in favor, zero opposed and one abstention constitutes only three votes and in concluding that therefore the composition of the [ZBA] was insufficient." The court explained that "a zoning board of appeals may not act unless there are at least four qualified members present and voting." This, said the court, means that Green Falls was entitled to the "full deliberation of its application by at least four of the members of the [ZBA], but not to a specific outcome or voting ratio by the [ZBA]."

Here, found the court, the abstaining member was present for the proceedings as Green Falls' application and she participated in the deliberation. Notwithstanding her ultimate abstention, she was present and qualified, allowing the ZBA to act on the application.

The court also rejected Green Falls' argument that the member's abstention could and should be considered an affirmative vote in favor of Green Falls' application. Having found that a vote of three to zero with one abstention "does not create an impossibility under § 8-7," the court said it need not require the member's abstention be either affirmative or negative. The statute specifically required a number of affirmative votes, and "an abstention is not counted with the majority," said the court. Further, said the court, "[w]hen one abstains from casting a vote, that person does not intend that their vote be either for or against the particular proposition, but only that they do not wish to be recorded on either side of the issue."

See also: *S.I.S. Enterprises, Inc. v. Zoning Bd. of Appeals of City of Bristol*, 33 Conn. App. 281, 635 A.2d 835 (1993).

Case Note:

In its discussion, the court also noted that Green Falls had failed to raise the issue

of an insufficient panel at the time of the member's abstention. In proceeding with its application, the court said Green Falls "accepted the possibility of any combination of voting outcomes".

Spot Zoning—Through ordinance, city rezones parcel that was split-zoned so that entire parcel has same zoning

Opponents challenge the ordinance, arguing it constitutes unlawful spot zoning

Citation: *Historic Charleston Foundation v. City of Charleston*, 2012 WL 4903040 (S.C. 2012)

SOUTH CAROLINA (10/17/12)—This case addressed the issue of whether the rezoning of one parcel of property, which benefited the parcel's owner, constituted unlawful spot zoning.

The Background/Facts: Prior to 2006, much of the Upper King neighborhood, in the Marion Square area of the city of Charleston, South Carolina (the "City"), was zoned 3X—meaning the maximum height of a building on the property could be three times the distance from the faade of the building to the center of the right-of-way in front of it. In 2006, in an effort to eliminate the "prehistoric" 3X zoning, the Charleston City Council (the "City Council") passed an ordinance rezoning the area. Under that rezoning, only four properties in the vicinity were left with at least part of the property zoned 3X. One of those properties was 404 King Street (the "Property"). The Property was split-zoned: Approximately 60% of the building was zoned 3X—meaning its maximum height could be three times the distance from the faade of the building to the center of King Street. The interior of the building was zoned 55/30—meaning the height could not exceed 55 feet nor could it be less than 30 feet high.

At some point, Library Associates purchased the Property with plans to build a large, full-service hotel on the lot. In 2007, the City initiated the rezoning of the Property so that the entire parcel could be zoned 3X. The City Council adopted an ordinance (the "Ordinance"), which applied only to the Property, rezoning the entire Property 3X. No other property in the City was rezoned under the Ordinance.

Thereafter, the Historic Charleston Foundation and the Preservation Society of Charleston (the "Opponents") brought a legal action challenging the Ordinance. The Opponents contended that the Ordinance constituted illegal spot zoning.

The circuit court's Master-in-Equity agreed. The Master found the Ordinance was unlawful spot zoning, and invalidated it.

The City appealed.

DECISION: Judgment of circuit court reversed.

The Supreme Court of South Carolina held that the Ordinance was not unlawful spot zoning.

In so holding, the court explained that “spot zoning” is the “process of singling out a small parcel of land for use classification totally different from that of the surrounding area, for the benefit of the owners of that property and to the detriment of other owners.” The court also noted that “[i]t is not unlawful spot zoning if ‘the proposed change is from one use to another and there is already a considerable amount of property adjoining the property to be reclassified falling within the proposed classification.’”

The court acknowledged that, here, the Ordinance, rezoning the Property, singled out a small parcel of land and benefited the owner who sought it. The court also acknowledged that the rezone was a change from the rear-abutting property. However, the court also found that since the Ordinance only changed the zoning for a portion of the Property (since it was previously split-zoned with the “front” portion having the 3X zoning), the rezone was “not a change from the property that literally adjoin[ed] it.” And, the court emphasized that the three other properties on the block were zoned 3X, determining that there was “‘a considerable amount of property adjoining. . . . falling within the proposed classification’ and thus the change to 3X for [the Property was] not ‘totally different from the surrounding area.’” Accordingly, the court concluded that the rezone of the Property to 3X was not unlawful spot zoning.

See also: *Bob Jones University, Inc. v. City of Greenville*, 243 S.C. 351, 133 S.E.2d 843 (1963).

See also: *Knowles v. City of Aiken*, 305 S.C. 219, 407 S.E.2d 639 (1991).

Case Note:

For purposes of its opinion, the court accepted that a variance in height classification (not just in use classification) may constitute unlawful spot zoning.

Proceedings—County council adopts ordinance that replaces agreement for a planned unit development with an amended agreement

Citizens object to approval and seek administrative review, contending ordinance was an administrative act not a legislative act

Citation: *Suarez v. Grand County*, 2012 UT 72, 2012 WL 5233510 (Utah 2012)

UTAH (10/23/12)—This case addressed the issue of whether a county council's adoption of an ordinance that replaced an original agreement for a planned unit development with an amended agreement was an administrative act—subject to an exhaustion of administrative remedies, or a legislative act—subject to an appeal to district court.

The Background/Facts: Moab Mesa Land Company, LLC (“Moab Mesa”) sought to develop a nearly two-thousand acre parcel of land in Grand County Utah (the “Cloudrock Development” or the “development”). In February 2002, the Grand County Council (the “Council”) adopted a resolution (the “2002 Resolution”), approving a planned unit development (“PUD”) for the Property. The 2002 Resolution stated that the preliminary master plan for the development was subject to a development agreement (the “Original Agreement”) between the County and Moab Mesa.

Then, from 2002 to 2006, the Cloudrock Development was involved in litigation that stalled work on the development. Eventually, Cloudrock Land Company, LLC (“Cloudrock”) succeeded to Moab Mesa's interest in the development. In 2006, Cloudrock submitted an application to the County Planning Commission to begin the process of amending approvals granted in the 2002 Resolution (the “Cloudrock Application”).

The County Planning Commission recommended approval of the Cloudrock Application, subject to certain conditions, including that Cloudrock make specified changes to the Original Agreement. Cloudrock submitted its Amended Agreement, which incorporated changes suggested by the Planning Commission. The Council ultimately voted to adopt Ordinance 454, which approved the Cloudrock Application, including the Amended Agreement, an Amended Master Plan, and an Amended Preliminary Plat.

A group of citizens (“Citizens”) objected to the approval of the Cloudrock Application. Citizens argued that approval of the Cloudrock Application was illegal because approval for Cloudrock's preliminary phase 1 plat had lapsed, and that the preliminary plat was therefore void.

Citizens filed an appeal to the Council's decision with the Grand County Board of Adjustment (the "Board"). The Board determined that it lacked jurisdiction to consider the appeal. It concluded that Ordinance 454 was a legislative act and therefore could only be reviewed by the district court.

Citizens had already filed a challenge to Ordinance 454 in district court, arguing that the Ordinance should be set aside because it had been adopted illegally. Citizens amended their complaint to argue that the Council's adoption of Ordinance 454 was administrative, rather than legislative, and that the matter must therefore be remanded to the Board so that Citizens could exhaust their administrative remedies, as required by § 17-27a-801(1) of the County Land Use, Development, and Management Act ("CLUDMA").

The district court ruled that the council had acted legislatively in enacting Ordinance 454, that the ordinance furthered the purpose of CLUDMA, and that it was not otherwise illegal.

Citizens appealed, again arguing that the Council's approval of Ordinance 454 was administrative and therefore should be heard by the Board, not the district court.

DECISION: Judgment of district court affirmed.

The Supreme Court of Utah held that Ordinance 454 was a legislative act and therefore properly before the court.

The court explained the difference between administrative and legislative acts: "[L]egislative power gives rise to new law, while [administrative] power implements a law already in existence." Legislative power generally involves the promulgation of laws of general applicability; and is based on the weighing of broad, competing policy considerations."

In its decision, the court recognized that some "zoning decisions are more difficult to classify, as they involve acts in the gray area between the clearly legislative and the clearly [administrative]." The court provided another guideline: when land use decisions "are at least arguably legislative," the court will "give understandable deference to the formal nature of the government body involved in making them and the formal nature of the zoning ordinance."

Under these two guidelines, the court concluded that the County acted in its legislative capacity in adopting Ordinance 454 because: (1) it was a new law of general applicability that the Council adopted after weighing policy considerations; and (2) it had the formal nature of a legislative act.

Citizens had contended that, rather than weighing policy considerations and creating new law, Ordinance 454 simply implemented law already in existence. Specifically, they contended that the 2002 Resolution created the PUD and granted the approvals associated with the project; thus, Ordinance 454 merely implemented existing law by allowing minor deviations from the approvals granted in the 2002 Resolution. Citizens also argued that as a "site-specific land use decision," Ordinance 454 was not a law of general applicability. In other words, because Ordinance 454 governed one parcel of property owned by a single owner, Citizens contend that it could not be considered a law of general applicability.

The court disagreed with these arguments. It concluded that Ordinance 454 was a new law of general applicability that the Council adopted after the weighing of policy considerations because: (1) the Ordinance created new law by replacing the Original Agreement with the Amended Agreement; (2) the Amended Agreement stated that it would run with the land; and (3) the findings in the Ordinance illustrated that the Council considered policy matters.

Although the court's analysis indicated that Ordinance 454 was a new law of general applicability that the Council adopted after weighing policy considerations, the court again acknowledged that some "zoning decisions are . . . difficult to classify," and that "[s]ite-specific zoning ordinances," such as Ordinance 454, "present the classic hard case." The court explained that when considering whether such ordinances are legislative or administrative, "[i]n cases of doubt," the court "give[s] controlling significance to the form of the underlying governmental decision." Thus, when land use decisions "are at least arguably legislative," the court "give[s] understandable deference to the formal nature of the government body involved in making them and the formal nature of the zoning ordinance." In this case, the court found that because Ordinance 454 was at least arguably legislative, the court could defer to the legislative form of the underlying decision, as evidenced by: (1) the County's characterization of its action; (2) the substance of Ordinance 454; and (3) the formal process by which the Council adopted Ordinance 454.

On appeal, Citizens had also argued in the alternative that Ordinance 454 should be set aside because the Council's adoption of the Ordinance was illegal. Specifically, Citizens contended that Ordinance 454 was illegal because the Council could not have approved the Amended Agreement after the preliminary plat had lapsed. The court disagreed. It held that the Council's decision to adopt Ordinance 454 more than 12 months after the approval of the original preliminary plat was not illegal because the Council had good cause to extend the approval period. And the court found that the Council complied with applicable zoning ordinances.

Accordingly, the court affirmed the district court's grant of summary judgment in favor of Cloudrock.

See also: *Carter v. Lehi City*, 2012 UT 2, 269 P.3d 141 (Utah 2012).

Zoning News from Around the Nation

MASSACHUSETTS

With the potential to spur related municipal zoning laws, Question 3 on the Massachusetts ballot (to be voted on November 6) seeks to enact a proposed law that would eliminate state criminal and civil penalties related to the medical use of marijuana.

Source: *Massachusetts Information for Voters 2012 Ballot Questions*

NEW JERSEY

A superior court judge has upheld a restraining order against the Borough of Union Beach, blocking Union Beach from enforcing its wind turbine ordinance. The ordinance, adopted in 2009, restricts height of wind turbines in the borough to 120 feet. In 2010, a judge granted the Bayshore Regional Sewerage Authority (“BRSA”) the restraining order after it argued that state agency permits it had received to build the turbine trumped any municipal land use laws. In upholding the restraining order, the judge ruled that the ordinance was valid but that a state statute prevents it from being applied to the BRSA project. (That statute “essentially prevents municipalities from blocking construction of a turbine once the entity attempting to build it has received a CAFRA permit.”)

Source: *Holmdel Independent*; <http://ind.gmnews.com>

NORTH DAKOTA

Among items on the November 6 ballot is Measure 3, which would amend the state constitution to “forever guarantee” “the right of farmers and ranchers to engage in modern farming and ranching practices.” Measure 3 would prohibit the enactment of any law “which abridges the right of farmers and ranchers to employ agricultural technology, modern livestock production and ranching practices.” Those opposed to the Measure say that it “would prohibit any local zoning law, state statute or state regulation ranging from animal cruelty prevention to segregation of genetically modified crops.”

Source: *Minot Daily News*; www.minotdailynews.com

OHIO

The Marietta City Council recently adopted legislation creating a new “H/M” or hospital/medical zoning within the city limits. The zoning designation was requested by the Marietta Memorial Health System, and will, reportedly, ultimately allow the System to make some improvements at its Memorial, Selby and Wayne Street campuses without having to go through a lengthy approval process with city council.

Source: *The Marietta Times*; <http://www.mariettatimes.com>

PENNSYLVANIA

On October 17, the Pennsylvania Supreme Court heard oral arguments over challenges to the state’s Act 13—a new law that regulates the natural gas industry. Municipalities have challenged the law as unconstitutional, saying it violates their rights and takes away their authority to control gas drilling operations through local zoning.

Source: *The Wall Street Journal*; <http://online.wsj.com/>

ZONING PRACTICE

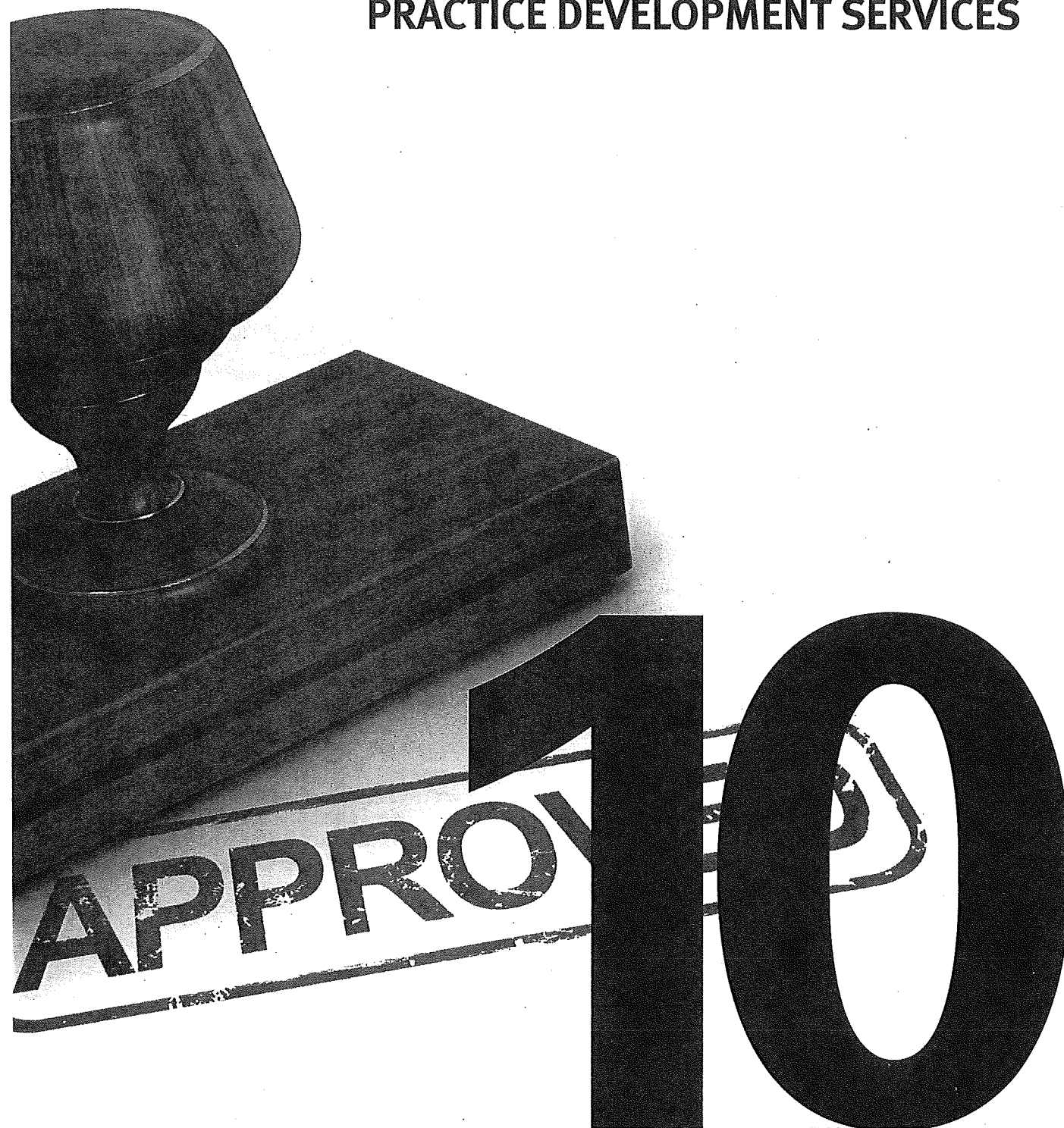
OCTOBER 2012



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 10

PRACTICE DEVELOPMENT SERVICES



Transparent Development Services

By George Arimes

“I submitted a building permit to expand a business thinking it was going to be easy and quick. Now the city says that I have to go through a nine-month process to get a conditional use permit and go through environmental reviews,” Joe Builder complained. “I sure wish someone would’ve told me this when I first came in to get my project started.”

All diagrams by George Arimes

Joe’s story is not an uncommon one. Many businesses, builders, contractors, consultants, developers, and home owners have horror stories about trying to navigate development review and permitting processes. In my experience, a lack of communication and coordination up front, poor handoffs or disjointed steps, complex regulations, and fragmented organization and permitting requirements are common in communities across the country. Fortunately, a growing number of agencies are striving to become more transparent (i.e., easier for customers to understand). This article delves into some concepts of transparency and also examines how planning and zoning practitioners can take advantage of expanded skills to become more professionally versatile.

DEVELOPMENT SERVICES AS A BUSINESS AREA

Providing development-related services is challenging for local government agencies due to the numbers of different staff disciplines and types of regulations that are involved. Simply, “development services” includes any city or county department or division that has to ensure development proposals are consistent with adopted regulations, including planning and land use and environmental, infrastructure, and building safety-related requirements. From a customer-oriented perspective, development services is a business area that includes any staff that may handle or review a development proposal.



➡ Development services includes a range of business areas tasked with administering different sections of the local development code.

Traditionally, local governments have separate planning and zoning, building, environmental, public works, and utility departments. However, in recent decades a number of cities and counties have reorganized to create a single development services agency that includes most or all staff under a single manager (i.e., a planning, building, and development department; a development services department; or a community development department). Communities may use organizational re-

structuring to address customer service, budgetary shortfalls, better management and coordination, or to clarify how the local government’s overall development services business area works. However, the bottom line for customers is they have to work with the same staff, no matter how the city or county chooses to organize its departments.

CUSTOMER CHALLENGE

Who are your customers? In most cases, the customer is the owner (applicant) that sub-

ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of October to participate in our "Ask the Author" forum, an interactive feature of Zoning Practice. George Arimes will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The author will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

About the Author

George Arimes is a registered professional engineer with more than 34 years of public- and private-sector experience in the development services and one-stop permitting arena. He has managed multimillion-dollar local government development services organizations and customer service improvement efforts in Austin, Texas, and San Diego. As a development services consultant, he has over 16 years of experience in improving complex regulatory systems through innovative business process integration, one-stop permit streamlining, performance measurement, strategic change management, organizational and cost-of-service analysis, integration of new technologies, and educational seminars and training.

mits a project. Owners often have representatives like consultants, builders, or contractors acting on their behalf. Other customers include citizens interested in active projects or individuals doing research. The fact that customers have different levels of knowledge and experience creates a dilemma for development services administrators. At a moment's notice, staff has to be prepared to answer the following questions:

- Where do I start?
- What permits or approvals do I need?
- What codes or other requirements apply to my project?
- How do I know if my project is feasible?
- How long will it take before I can start construction?

Just as all customers are not alike, projects vary in both size and complexity. The following examples hint at some of the variables:

- Simple permits to replace a water heater or change out a window
- More complex residential projects like interior remodels, additions, or decks
- Simple commercial projects like tenant finishes
- Complex residential or commercial projects like new structures, nonconventional construction, or special design requirements
- Any of the projects above linked with some discretionary administrative or public hearing approval like a variance, conditional use, subdivision, or rezoning

A diversity of projects (both in size and complexity) and customer types can pass through a development services agency's door on any given day. Unfortunately, agencies often ignore this most basic customer reality and don't tailor services or processes to address this variability.

Customers want staff to provide consistent code interpretations, comprehensive and reliable information, and coordination and collaboration.

When communities have a complex regulatory environment, numerous professionals must review projects against applicable requirements. Even the simplest project can be complex due to site constraints, previous approvals or conditions, type of construction, number of permits needed, or the customer's level of readiness.

With multiple reviewers and review requirements, customers can get lost in the process. They may complain of receiving limited empathy and little assistance in moving their project through the system and may feel as though they have no option but to seek help from influential friends or elected officials when their project stalls due to red tape.

Customers want staff to provide consistent code interpretations, comprehensive and reliable information, and coordination and collaboration. They expect a timely and predictable process and accountability for decision making. While it seems reasonable for customers to expect greater transparency, this improvement will likely require a change in institutional thinking.

ECONOMIC REALITIES

As the economy has faltered, many local governments are looking for ways to bolster economic development and customer service in order to attract new businesses and aid in expansions. With the lean economy and reduced budgets, communities are looking for ways to more fully utilize staff resources and at the same time meet customer service objectives. When reorganizations occur to consolidate staff with fewer managers, cities and counties may require formerly specialized staff to become generalists. In these scenarios, cross training becomes an important tool to deal with workload.

At the most basic level, businesses create jobs. Job creation and retention are vital to sustained economic vitality and growth. Local governments must provide an environment that makes it easy for businesses and investors to establish or expand their operations. As an incentive, more and more local governments are marketing customer service in the development services process as they strive to compete with other communities in the economic development realm and the quest for sustained or increased revenues and tax base. These cities and coun-

ties understand that, while regulations must still be met, they can use customer service as a “carrot” for inviting businesses and promoting business expansion, especially given the scarcity of financial incentives.

THE EVOLUTION OF CUSTOMER SERVICE IMPROVEMENT

Many agencies seek to evolve by simplifying the customer’s experience. In this context simplification means that the overall development services system must move from a very opaque (fragmented and unclear) experience to the most transparent experience possible (Intuitive and accountable).

For an agency to even consider this evolution, it must be willing to ask some fundamental questions about the following system components:

Core Business Processes: Are the steps in the development processing system process integrated and efficient, and do they reflect a culture that is sensitive to the customer’s point of view?

People Interactions: Are communication mechanisms for staff, customers, and citizens structured to share information freely, manage projects effectively, and resolve issues or conflicts as they occur?

Regulatory Framework: Are the policies, codes, and support documents that drive the review and construction process understandable, objective, and reasonable?

Technology: Do the tools available to participants provide for accurate and real-time information and project tracking, and do they assist in informed decision making?

Physical Space: Does the physical environment reflect a user-friendly, service-oriented approach for customers and citizens that interact with the process?

Organizational Structure: Is the organization structured to be cost effective, provide appropriate resources for staff and tools, and support a project management approach with accountability for performance?

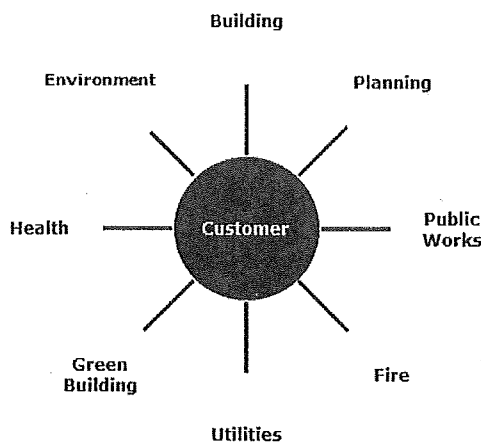
At one extreme of the evolution spectrum, services are disjointed by being in multiple physical locations, have limited or no common technology, and typically have several “siloed” permitting agencies for the customer to traverse. As agencies evolve, they begin to colocate staff members from some departments, add some consistent technology for tracking, and start to reorganize individuals under more uniform manage-

ment. However, experience has shown that reorganization, colocation, and technology alone won’t alter the service culture significantly. While each helps service to improve, the underlying process does not change. With further evolution, agencies begin to simplify business processes; provide case management, coordination, and more colocation; and create one-stop permitting centers to improve customer access. However, the system is still permit oriented as customers have to orchestrate several phases of approvals on their own (discretionary to design to construction). Some communities are taking ad-

colocated but have limited tracking technology or electronic access to historical records.

KEYS TO TRANSPARENT SERVICE DELIVERY
 Transparency, as used in a social context, implies openness, communication, and accountability. In the development services arena it is characterized by visibility or accessibility of information; especially concerning business practices. Transparency is an essential condition for a free and open exchange, where the rules and reasons behind regulatory measures are fair and clear to all participants. The key elements of transparency include a seamless system, a focus on customer objectives or results, a project-oriented approach, tailored processing steps, accountability, and a robust performance measurement system.

Multiple Staff Discipline in the System



➔ The development services system typically involves staff trained in a variety of disciplines.

ditional steps to ensure that customers won’t need to be concerned about which department or organizational unit they are dealing with. This represents the opposite extreme of the evolution spectrum, where a local government superimposes an integrated and seamless face on the entire system.

While there is no perfect development services system, agencies that strive to implement transparent processes and services have less frustrated and more satisfied customers. It is natural for each agency to excel at some improvements but still be lacking in other areas. For example, an agency may have excellent technology but limited colocation of staff. Other agencies may have all staff

Seamless System

Customers don’t just walk in to receive service. They also phone in, go online, and some still use the mail to interact with an agency. No matter how a customer enters the development services system, they should have the same experience. This means a simple triage of their need and a single handoff to a point person who will facilitate their request. Conversely, customers in most systems are routed to multiple staff for piecemeal feedback or permit processing. This is one of the toughest parts of transparency to accomplish since it requires redesign of the core business processes to integrate and formalize customer flow and create consistent terminologies for multiple entry types. Transparency mandates consistency and coordination from the outset.

Focus on Results

Customers interact with the development services system to accomplish several major objectives or results depending on their immediate need, including the following:

- To collect comprehensive and reliable information (e.g., information about property constraints)
- To obtain a project decision
- To obtain permission to occupy or use their facility
- To report ongoing compliance or code enforcement issues

In order for the customer to exit the system with any of the results above, they usually have to obtain feedback from mul-

multiple staff members depending on the complexity of their request. For example, let's say a customer wants to answer the following questions about a particular property:

- What use restrictions and development standards apply under the current zoning?
- Are there any easements or floodplains on the property?
- Are there protected areas on the land?
- Is this a legally subdivided parcel?
- Are there any existing code enforcement actions on the property?

In most communities, this means the customer would have to visit with a staff member from the planning and zoning, public works, environmental, and building inspection (code enforcement) departments. In an opaque system they go to multiple building locations, sign in, and perhaps see the right person. In a more colocated environment they may visit a one-stop center to meet with staff at different counters. But while creation of a one-stop center is a positive trend, colocation alone is not the complete answer. Ideally, the customer should "sit in one chair" with appropriate staff and information coming to the customer, versus the customer being routed to counters or organizational units (and websites) and left on his own to bridge the gaps and solve overlapping interpretation conflicts.

Project-Oriented Approach

As soon as the customer defines an immediate project objective, the agency should assign a point of contact to confirm, organize, and coordinate the required approvals and permits from start to finish (e.g., preapplication assistance through certificate of occupancy). To improve consistency the point of contact working with assigned technical team members should document the "roadmap" for required approvals, estimated timing, expected fees, and any potential roadblocks. The goal is for the assigned point of contact to stay involved throughout the entire project lifecycle.

Tailored Processing Steps

Some information requests or projects can be done quickly at the counter by a single individual or online in a single interaction. Some service requests require more coordination at a counter, with multiple staff members available to make interpretations or sign off on a proposal. Some projects are submittal based and are managed (mostly by appoint-

ment) with longer timelines, especially if a discretionary action is part of the immediate project objective. The key is establishing a standard set of processes with a flexible project management system that handles phasing of approvals or permits as appropriate. Standardization makes it clear to customers what steps to expect on their projects.

Accountability

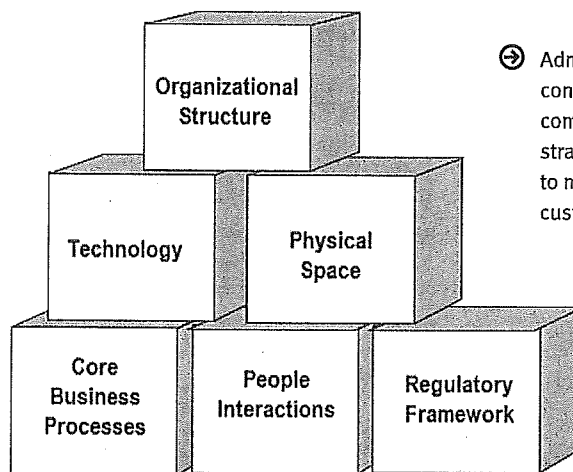
Someone has to be in charge to ensure that staff from different disciplines or departments work together to solve issues in a timely manner (preferably the point of contact acts in this role). A clear and consistent issue resolution process is crucial. Customers

group). Perception of customer satisfaction and internal metrics should both be used to gauge feedback (customer reality) to numbers. The program should be designed and implemented system wide instead of in a fragmented or piecemeal manner by individual departments (typically with their respective budgets).

HOW AM I AFFECTED?

Every agency is different and will likely implement a subset of the improvements that are possible. However, one thing that is critical for success is truly addressing the service culture and attitude of both staff and customers. As a planning or zoning

Development Services System Infrastructure Components



- ➔ Administrators have to consider multiple infrastructure components when developing strategies and a plan of action to make improvements to customer service.

and staff alike have to feel good about their experience. If a customer is not satisfied with a decision, there should be a reliable protocol for proactively elevating issues without fear of retribution. To be successful, administrators must support cultural change and address silo-based mentalities.

Robust Performance Measurement

The system administrator should design and adopt a performance measurement program to measure timeliness, predictability, and accountability. Measurement is more than how much work comes in or how much gets approved (i.e., inputs and outputs). The program should be based on a defined set of customer expectations for a successful system (usually generated with feedback from an ongoing customer

professional you may see your primary role as implementing regulations; however, it is also critical as a public servant to see your job as helping customers succeed. It's not one or the other. It's both. Customers pay fees, and therefore deserve comprehensive, reliable, and timely services. In many cases the system is wrought with redundancies, structural defects, and poor informational resources. Staff is usually caught between providing good service and insufficient tools to do their jobs. But there are things you can do as an individual to strive to be more successful in the transparent system approach.

New or Expanded Point-of-Contact Role

When implementing transparency, an essential new or expanded role is the customer point of contact or interface. Given

the complexity of most regulatory systems, having a clear processing advocate throughout the project's life cycle is singularly the most important benefit the customer seeks. However, this role is not for everyone. Given your background as a zoning official, planner, engineer, or other technical professional, you have what it takes to tackle this role. To be successful, you should be willing to focus on the big picture, broaden your experience and knowledge, and accept a leadership role.

"Walking in the customer's shoes" is an essential transparency element. You should be able to embrace the customer's view of their project, be empathetic to what they're trying to accomplish, understand their timeline needs, and build a trusting relationship. Very few staff members in the system will take this role upon themselves to the extent needed. In most cases staff have to be more focused on their individual reviews and leave it up to the customer to bridge the gaps. In the transparent system it is essential for a point of contact to help customers define their projects, to organize necessary approvals, and to facilitate reviews and issue resolution through project completion (including facilitating revisions during the construction process). Therefore, if this role does not formally exist, development services administrators must recognize the void and develop a strategy to implement improvements. This will allow interested staff to gravitate to this role in a more structured and consistent way.

Each technical person in the development services system can interpret particular regulations. However, as a point of contact, having a broader range of skills and experience will assist you. Cross training is the key element of the customer interface. Clearly it's important to have an expertise; however, having knowledge that is "a mile wide and a foot deep" will prove essential for your success as a point of contact. It is good to know a little bit about everything in the process. Remember, you will have technical experts to bring to the table when needed. In addition to technical knowledge it is important to gain additional skills in project management, such as meeting facilitation, issue resolution, and organizing multiple projects. Some individuals gravitate toward the technical side of development services. In an integrated system, the point-of-contact role requires more attention to interpersonal relationships with customers and staff while managing project performance for results.

Another essential element of this role is the acceptance of responsibility. It is not enough to participate in meetings; instead, you have to have a bias to facilitate and control the agenda. Lead by example and instill accountability in the staff participating in the review process. The leadership role requires an individual to promote the team environment and act as a catalyst to solve problems for the customer.

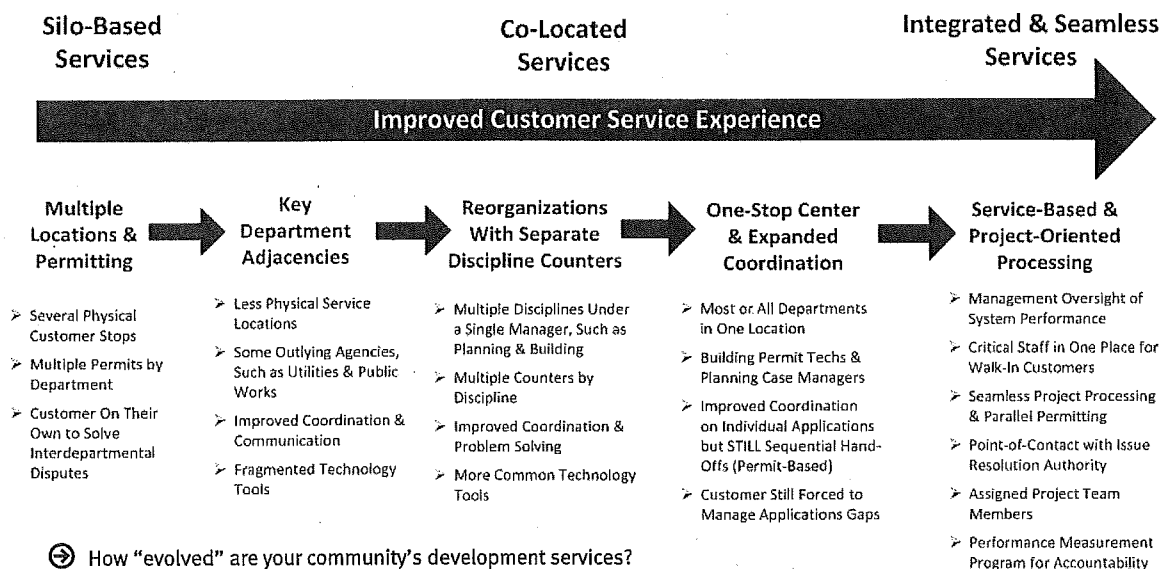
Problem-Solving Attitude

Effective problem solving centers on staff members having a bias to get things resolved. In the team environment it is essential that each person be an "options thinker." Individual staff disciplines have to be prepared to come up with multiple ways to solve a particular code issue instead of providing a fixed solution to a customer. Customers want to meet the regulations and solve problems; however, they also want flexibility to meet their design goals and personal visions. Customers have to accept that some designs don't meet the regulations. However, a partnership attitude is needed to solve problems, and this requires that both customers and staff work together to look for solutions that meet everyone's needs.

The point-of-contact role is essential in bringing the right people together, promoting options thinking, and providing advocacy for ensuring that problems are solved in a timely manner. The point of contact promotes flexibility and a little risk taking.

Assigned team members, on the other hand, have to come to the table with the authority to make decisions and an "options thinking" frame of mind as well. Team members often play an important role during preapplication reviews of potential projects. Practicing issue avoidance at this early stage likely will make the process move faster, create better projects, and build trust between customers and staff. Issue avoidance is much more palatable than issue resolution,

Evolution of Customer Service Delivery



which is reactive and often creates ill will or angst.

Willingness to Use Technology

Another key trait is the willingness to learn and use technology to simplify and make the process more efficient. To be more effective as a staff member, technology will allow you to gain access to information to provide more comprehensive and reliable preapplication assistance, to document agreements and track project milestones, and perform reviews or inspections with fewer steps.

Some examples of technologies include the following:

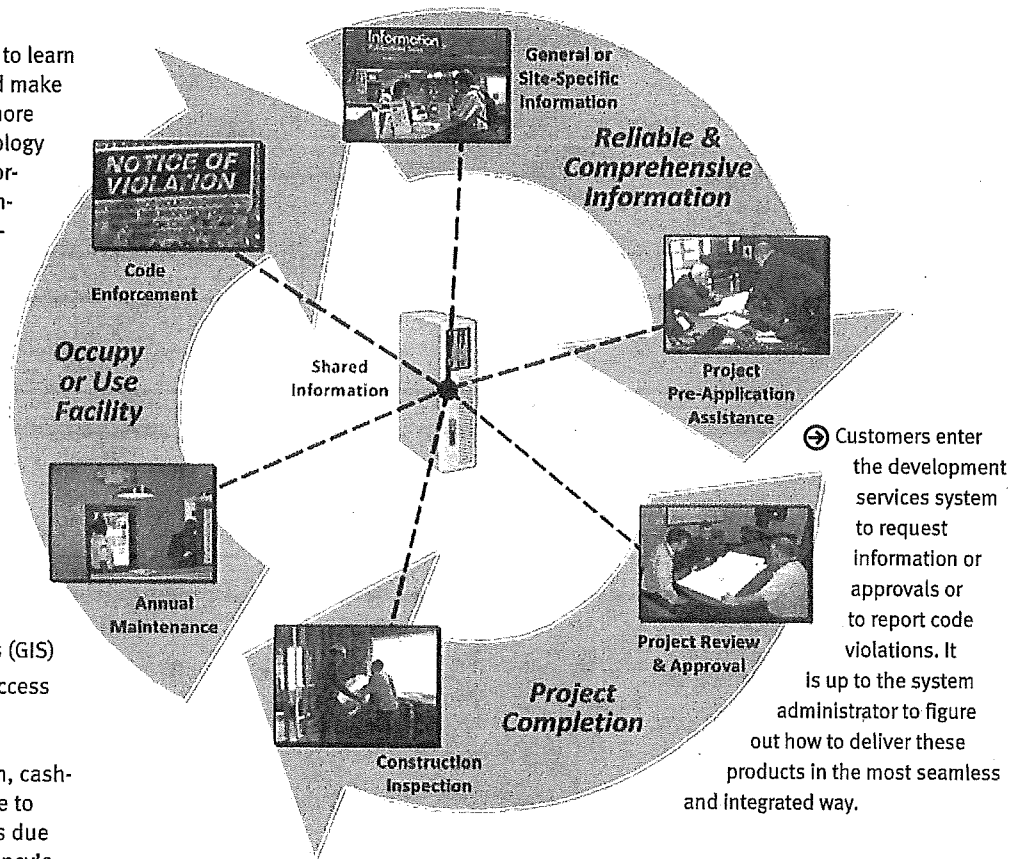
- Project tracking software
- Document management system (electronic records)
- Electronic plan review
- Mobile access for inspectors
- Management reporting
- Geographic Information Systems (GIS)
- Integrated website and citizen-access portal

Given the economic downturn, cash-strapped agencies may not be able to implement all the technology tools due to budgetary constraints or an agency's place in the evolution process. However, your willingness to embrace new technologies as they become available will signal to management your support of change and striving for a more efficient and effective process. If current technologies in your agency are not uniformly used by all work units, suggest to management that directing consistent use will offer better coordination and transparency for the team. Volunteer for training opportunities and explore online tools to supplement your knowledge.

CONCLUSION

Communities can invest a lot of resources in their development services systems, including physical space improvements and technology tools. However, in the end, successful service really boils down to culture and attitude of both staff and customers as they work together. This partnership is essential for satisfaction and quality service. Since you are an integral part of this service structure, it's imperative that you expand your knowledge and capabilities to

Customer Life Cycle



make yourself as indispensable as possible. You know your job. The essential ingredient is being responsive, collaborative, and accountable in your dealings with other staff and customers. Taking on new roles

and gaining useful knowledge and skills of project management, effective issues resolution, and customer service ethics will go a long way to help your career and elevate you in the transparent agency.

Cover image: © iStockphoto.com/Yurly Kirsanov; design concept by Lisa Barton

VOL. 29, NO. 10

Zoning Practice is a monthly publication of the American Planning Association. Subscriptions are available for \$95 (U.S.) and \$120 (foreign). W. Paul Farmer, FAICP, Chief Executive Officer; William R. Klein, AICP, Director of Research

Zoning Practice (ISSN 1548-0135) is produced at APA. Jim Schwab, AICP, and David Morley, AICP, Editors; Julie Von Bergen, Assistant Editor; Lisa Barton, Design and Production.

Missing and damaged print issues: Contact Customer Service, American Planning Association, 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601 (312-431-9100 or customerservice@planning.org) within 90 days of the publication date. Include the name of the publication, year, volume and issue number or month, and your name, mailing address, and membership number if applicable.

Copyright ©2012 by American Planning Association, 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601-5927. The American Planning Association also has offices at 1030 15th St., NW, Suite 750 West, Washington, DC 20005-1503; www.planning.org.

All rights reserved. No part of this publication may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the American Planning Association.

Printed on recycled paper, including 50-70% recycled fiber and 10% postconsumer waste.

ZONING PRACTICE
AMERICAN PLANNING ASSOCIATION

205 N. Michigan Ave.
Suite 1200
Chicago, IL 60601-5927

1030 15th Street, NW
Suite 750 West
Washington, DC 20005-1503

NON-PROFIT ORG.
U.S. POSTAGE
PAID
CHICAGO, IL
PERMIT #4342

REC'D OCT 03 2012



S2 P5 *****AUTO**3-DIGIT 553
Z41-D October
231626
Tim Gladhill
City Of Ramsey
7550 Sunwood Dr NW
Ramsey MN 55303-5137



HOW DOES YOUR COMMUNITY
ORGANIZE ITS DEVELOPMENT
SERVICES?

10