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

The Ramsey City Council conducted a regular meeting on Tuesday, February 12, 2013, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Sarah Strommen
Councilmember David Elvig
Councilmember Mark Kuzma
Councilmember John LeTourneau
Councilmember Chris Riley
Councilmember Jason Tossey

Member Absent: Councilmember Randy Backous

Also Present: City Administrator Kurtis Ulrich
Finance Director Diana Lund
Fire Chief Dean Kapler
Police Chief James Way
Parks and Assistant Public Works Superintendent Mark Riverblood
Public Works Superintendent Grant Riemer
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 Shane Nelson

1. CALL TO ORDER

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

2. PRESENTATION

2.01: Commendation – Distinguished Service Award to Two Ramsey Police Reserves

Police Chief Way introduced and presented Police Reserves James Bagne and Jennifer Grant with the Distinguished Service Award for their immediate response and efforts to resuscitate and save a resident's life.

At the request of Council, Sergeant Tim Frankfurth described the Police Reserves program and indicated this group volunteered for 2,000 hours in 2012 and is of great benefit to Ramsey.

2.02: State of the City Address

Mayor Strommen presented the State of the City Address, providing highlights of 2012. She extended her appreciation to Management Analyst Brama for preparing this presentation and to City Administrator Ulrich who presented the State of the City Address at today's Chamber of Commerce event.

3. CITIZEN INPUT

The Scout Troop Leader introduced Boy Scouts in attendance, noting they are a newly organized troop from Lord of Life and working on citizenship merit badges.

4. CONSENT AGENDA

Motion by Councilmember LeTourneau, seconded by Councilmember Kuzma, to approve the following items on the Consent Agenda:

- 4.01: Receive 2012 Building Division Month End Report: November & December
- 4.02: Receive 2013 Building Division Month End Report: January
- 4.03: Receive Fire Department Annual Report for 2012
- 4.04: Note the following Board and Commissions Meeting Minutes:
 - 1) Planning Commission Meeting Minutes Dated January 3, 2013
 - 2) Environmental Policy Board Meeting Minutes Dated January 7, 2013
- 4.05: Approve the following Meeting Minutes:
 - 1) City Council Work Session – January 22, 2013
 - 2) City Council Regular Session – January 22, 2013
- 4.06: Approval from Exemption for a Gambling License for Rum River Chapter of the MN Deer Hunters Association
- 4.07: Approve Park Facility and Tournament Policies and Associated Fee Structure(s)
- 4.08: Approve Proposal from Elwyn Tinklenberg re: Legislative Consulting Services
- 4.09: Confirm Direction from Planning Commission on Proposed Land Use at the 167th Avenue Retail Node
- 4.10: Consider Response to City of Anoka Comprehensive Plan Amendment for Bunker Lake Boulevard / Seventh Avenue Area and Anoka Station Master Plan
- 4.11: Introduce Ordinance to Amend Chapter 117 Related to Stormwater Controls and Illicit Discharges
- 4.12: Adopt Resolution #13-02-030 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of January 18, 2013, through February 6, 2013
- 4.13: Adopt Resolution #13-02-028 Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code
- 4.14: Adopt Resolution #13-02-032 to Hire Patrol Officer
- 4.15: Report from the Financial Committee Meeting dated January 22, 2012:

- 1) Nominate Chair and Vice-Chair – *Ratify the recommendation of the Finance Committee to authorize Councilmember Elvig as Chair and Councilmember Riley as Vice Chair of the Finance Committee.*
 - 2) Consider Amendments to the Duties of the Finance Committee Work Plan – *Ratify the recommendation of the Finance Committee to adopt Resolution #13-02-028 Amending Resolution #09-08-185 Establishing the Duties of the Finance Committee with the addition of Line #10 that reads: Financial issues that overlap the City Council and the HRA related to development activities, such as, but not limited to, inter-fund transfers.*
- 4.16: Report from the Personnel Committee Meeting dated January 22, 2012:
- 1) Consider a Resolution to Select a Chairperson and Alternate Chairperson of the Personnel Committee – *Ratify the recommendation of the Personnel Committee to adopt Resolution #13-02-033, Councilmember Tossey as Chair of the Personnel Committee and Councilmember Backous as the alternate.*
 - 2) Consider a Resolution to Accept a Paid-on-call Firefighter’s Resignation – *Ratify the recommendation of the Personnel Committee to adopt Resolution #13-02-034, to direct staff to accept the resignation of Mr. Cory Helgoe and to recruit for this position upon the next regular Firefighter recruitment.*
 - 3) 2013 Fire Officer Selections – *Ratify the recommendation of the Personnel Committee to accept the Fire Chief’s recommendation for 2013 Fire Officer Selections.*
 - 4) Consider a Resolution to Approve the 2013 Non-Union Health Insurance Contributions and Non-Union Cost of Living Adjustments – *Ratify the recommendation of the Personnel Committee to adopt Resolution #13-02-035 to authorize the non-union City health insurance contributions, the option to waive health insurance in exchange for a cash benefit and to increase the non-union wage scale by one percent (1%)*
 - 5) Consider a Resolution to Address Building Maintenance Staffing Needs – *Note: The Personnel Committee tabled this case pending additional information regarding room rental revenue.*
 - 6) Consider a Resolution to Recruit for an Economic Development Manager – *Ratify the recommendation of the Personnel Committee to adopt Resolution #13-02-036, to authorize staff to begin a recruitment process for an Economic Development Manager.*
 - 7) Consider a Resolution Regarding a Leave of Absence (This discussion was closed to the public) – *Ratify the recommendation of the Personnel Committee to adopt Resolution #13-02-037, confirming the recommendation of the Personnel Committee to approve an additional leave of absence through May 31, 2013; the maximum amount of leave time allowed per the City’s Leave of Absence Policy.*
 - 8) Consider a Resolution to Authorize Staff to Recruit for a Replacement Patrol Officer Position from the Recent Patrol Officer Recruitment File – *Ratify the recommendation of the Personnel Committee to adopt Resolution #13-02-038, to recruit for a Patrol Officer from the recent Patrol Officer recruitment file in order to fill the position left vacant by the officer on an extended leave of absence.*

Motion carried. Voting Yes: Mayor Strommen, Councilmembers LeTourneau, Kuzma, Elvig, Riley, and Tossey. Voting No: None. Absent: Councilmember Backous.

5. APPROVE AGENDA

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

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Riley, Tossey, Elvig, Kuzma, and LeTourneau. Voting No: None. Absent: Councilmember Backous.

6. PUBLIC HEARING

6.01: Public Hearing to Adopt Ordinance to Vacate Right-of-Way and Drainage and Utility Easements on the TOWN CENTER GARDENS 3RD ADDITION Plat for SEASONS OF RAMSEY; Case of Podawiltz Development Corporation / The Seasons of Ramsey Limited Partnership

Mayor Strommen closed the regular portion of the City Council meeting at 7:19 p.m. in order to conduct a public hearing.

Public Hearing

Mayor Strommen called the public hearing to order at 7:19 p.m.

Presentation

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

Citizen Input

There was none.

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

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Tossey, LeTourneau, Elvig, Kuzma, and Riley. Voting No: None. Absent: Councilmember Backous.

The public hearing was closed at 7:26 p.m.

Council Business

Mayor Strommen called the regular City Council meeting back to order at 7:26 p.m.

The Council indicated its preference for the revised and improved front elevation.

Mike Podawiltz, Chief Manager of the partnership building the project, stated they want to be a good corporate citizen and assure construction of a quality product. He stated they are glad to be in Ramsey and look forward to working with staff.

The Council acknowledged this is a difficult and narrow property on which to develop and it appreciated the developer's effort to create visual breaks in the building elements.

Development Services Manager Gladhill advised the project meets the City's Design Framework Standards and Development Plan by including front porches, increased brick surfaces, and multiple colors.

Motion by Councilmember Elvig, seconded by Councilmember LeTourneau, to waive the City Charter requirement to read the Ordinance aloud and adopt Ordinance 13-03 to Vacate the Drainage and Utility Easement and Right-of-Way within the TOWN CENTER GARDENS 3RD ADDITION plat as indicated in the legal description, with the option to remove Outlot E, TOWN CENTER GARDENS 3RD ADDITION from the request.

A roll call vote was performed by the Recording Secretary:

Councilmember Elvig	aye
Councilmember Kuzma	aye
Councilmember Tossey	aye
Councilmember Riley	aye
Councilmember LeTourneau	aye
Councilmember Backous	absent
Mayor Strommen	aye

Motion carried.

6.02: Public Hearing and Request for Adoption of City of Ramsey 2013-2017 Capital Improvement Program

Mayor Strommen closed the regular portion of the City Council meeting at 7:30 p.m. in order to conduct a public hearing.

Public Hearing

Mayor Strommen called the public hearing to order at 7:30 p.m.

Presentation

Finance Director Lund described the purpose of the 2013-2017 Capital Improvement Program (CIP). It was noted the Council had reviewed the CIP in detail during Work Sessions.

Citizen Input

There was none.

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

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Elvig, LeTourneau, Kuzma, Riley, and Tossey. Voting No: None. Absent: Councilmember Backous.

The public hearing was closed at 7:32 p.m.

Council Business

Mayor Strommen called the regular City Council meeting back to order at 7:32 p.m.

The Council acknowledged the benefit of the CIP to include future projects and extended its appreciation to staff for their work on this document.

Motion by Councilmember Elvig, seconded by Councilmember Kuzma, to adopt Resolution #13-02-027 Adopting the City of Ramsey's 2013-2017 Capital Improvement Program (CIP).

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Elvig, Kuzma, LeTourneau, Riley, and Tossey. Voting No: None. Absent: Councilmember Backous.

7. COUNCIL BUSINESS

7.01: Consider Preliminary Plat, Final Plat, and Site Plan Approval for SEASONS OF RAMSEY Located at the Northeast Intersection of Bunker Lake Boulevard and Town Center Drive; Case of Podawiltz Development Corporation / The Seasons of Ramsey Limited Partnership

Development Services Manager Gladhill reviewed the staff report and answered questions of the Council relating to the extended private street. He explained a turning movement had been reviewed by the Fire Marshal who indicated it meets the City's standards and the addressing sequence has been reviewed and approved by the Police Chief.

Motion by Councilmember Riley, seconded by Councilmember LeTourneau, to adopt Resolution #13-02-025 Granting Preliminary Plat Approval for SEASONS OF RAMSEY; to adopt Resolution #13-02-031 Granting Final Plat Approval for SEASONS OF RAMSEY, subject to the Developer entering into a Development Agreement with the City; and, to approve the Site Plan for SEASONS OF RAMSEY, contingent upon compliance with the City Staff Review File dated January 25, 2013.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Riley, LeTourneau, Elvig, Kuzma, and Tossey. Voting No: None. Absent: Councilmember Backous.

7.02: Adopt Ordinance to Amend City Code Section 117-118 Entitled the COR Related to Twenty Four (24) Hour Drive Thrus

Assistant Planner/Environmental Coordinator Anderson reviewed the staff report.

The Council discussed the request by this one applicant for a 24-hour drive thru. It was noted COR-2, COR-2b, and COR Sub-Districts are mixed use; however, do not include residential.

Motion by Councilmember Tossey, seconded by Councilmember Riley, to waive the City Charter requirement to read the Ordinance aloud and adopt Ordinance No. 13-05 to Permit Outright Twenty-Four (24) Drive-Thru Operations within the COR-2, COR-2b, and COR Sub-Districts.

Further discussion: Assistant Planner/Environmental Coordinator Anderson answered questions of the Council and indicated that COR-2, COR-2b and COR Sub-Districts are primarily retail commercial and a drive-thru is not permitted in COR Section 1 without a Conditional Use Permit. In addition, there is a provision within the COR District stating the sound from the electronic speaker devise must not be audible beyond the property boundary.

A roll call vote was performed by the Recording Secretary:

Councilmember Backous	absent
Councilmember LeTourneau	aye
Councilmember Riley	aye
Councilmember Tossey	aye
Councilmember Kuzma	aye
Councilmember Elvig	aye
Mayor Strommen	aye

Motion carried.

7.03: Adopt Resolution #13-02-029 to Enter into a Resolution Recycling Program Agreement to Receive SCORE Funds for 2013

Assistant Planner/Environmental Coordinator Anderson reviewed the staff report and answered questions of the Council related to costs. He indicated it is staff's intent to strategically place recycling containers nearby garbage containers so they can be emptied at the same time. He stated the funding provided would off set those staff costs and he continues to work with Ace Solid Waste on promotional costs for the event with limited City staff involvement.

Assistant Planner/Environmental Coordinator Anderson explained the monthly recycling events would not replicate the spring and fall events, would focus on targeted material, and provide additional opportunity while not diminishing overall returns. It was noted this effort will address the increased State mandated recycling goals.

Motion by Mayor Strommen, seconded by Councilmember Elvig, to adopt Resolution #13-02-029 Authorizing the Mayor to sign the Agreement for Residential Recycling Program between the City of Ramsey and Anoka County to receive the base SCORE Funds of \$50,505 and an additional targeted program funding allocation of \$21,000 to implement a Monthly Collection Event Program and a Municipal Parks Recycling Program.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Elvig, Kuzma, LeTourneau, Riley, and Tossey. Voting No: None. Absent: Councilmember Backous.

7.04: Adopt Resolution #13-02-039 Approving Reimbursement Request to Anoka County Housing and Redevelopment Authority for Residential Property Acquisition

City Administrator Ulrich reviewed the staff report and request of Anoka County Housing and Redevelopment Authority (HRA) to provide reimbursement towards the purchase of a residential property.

Motion by Councilmember Elvig, seconded by Councilmember Kuzma, to adopt Resolution #13-02-039 Requesting that Anoka County Housing and Redevelopment Authority (HRA) Allocate \$98,000 toward the Purchase of Residential Property at 6203 Rivlyn Avenue NW in the City of Ramsey.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Elvig, Kuzma, LeTourneau, Riley, and Tossey. Voting No: None. Absent: Councilmember Backous.

7.05: Consider Second Offer to Purchase Surplus City Owned Land – Windsorwood Property (Portions closed to the public)

Administrative Analyst Brama reviewed the staff report and indicated the Council had discussed the original offer and countered at 90% of appraised value. The City had now received a counter offer.

City Attorney Goodrich advised that under Minnesota Statutes, Section 13D.05, Subd.3(c), the meeting can move into closed session to discuss confidential or non-public appraisal data and acquisition negotiations. He indicated closed session discussion will relate to the sale of surplus City-owned property located at 178th Avenue and Vicuna Street, known as the Windsorwood property. The closed session will be tape recorded and that tape will be maintained for a period of eight years.

Motion by Councilmember LeTourneau, seconded by Councilmember Tossey, to move to Closed Session to discuss acquisition negotiations.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers LeTourneau, Tossey, Elvig, Kuzma, and Riley. Voting No: None. Absent: Councilmember Backous.

The City Council meeting moved into a Closed Session at 8:03 p.m.

The City Council reconvened in Open Session at 8:18 p.m.

City Attorney Goodrich stated the Council held discussion of the sale of the property at 8950 178th Circle NW and reached consensus to direct staff to draft a formal purchase agreement for action at a subsequent Council meeting.

7.06: Consider Purchase of 14590 Armstrong Boulevard NW, Ramsey, Minnesota (Wiser Choice Liquor Store) from M&W Holding Company, LLC (the “Property”) (Portions closed to the public)

City Attorney Goodrich reviewed the staff report and indicated staff has been negotiating terms for purchase and received amendments for discussion in Closed Session.

Jeff Wise, 7901 165th Street, owner of Wiser Choice Liquor, stated he thinks it would be better to complete the purchase of his business in a timely fashion now that the Armstrong Boulevard overpass is a high priority. He noted that the rate for lease back has become a sticking point in the negotiations and explained there are market retail rates and market rates when under the threat of eminent domain for a future roadway. Mr. Wise noted some properties on Highway 10 are not at market rate and have a lease clause about tax levy exceeding the base rent to cover the property tax. He also noted the City rents to Northern Lights Church and had made leasehold improvement, while he served on the Council, that results in Northern Lights Church needing to be there for four years to pay back for that leasehold improvement. Mr. Wise suggested that when municipalities/governments come in to purchase under eminent domain or a friendly purchase, it changes the marketability of that property. In his case, the Sunwood Drive realignment meant he lost an intersection so no traffic can come from the east or from 146th Street. Mr. Wise distributed information relating to lease rates for comparable properties, noting they are at the lower end. He stated with the change in the road, his business has experienced a significant hit in number of patrons because there are nearby competitors with easier points of access. He stated if he has to pay rent, it takes revenue from the sale of his property instead of taking it from the revenue being generated. Mr. Wise stated he had provided a lower rent than included in the City’s appraisal and would like this issue dealt with in an expedient manner.

City Attorney Goodrich advised that under Minnesota Statutes, Section 13D.05, Subd.3(c), the meeting can move into closed session to discuss confidential or non-public appraisal data and acquisition negotiations. He indicated closed session discussion will relate to property acquisitions of 14590 Armstrong Boulevard NW, Wiser Choice Liquor Store, from M&W Holding Company, LLC 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 Councilmember Tossey, seconded by Councilmember LeTourneau, to move to Closed Session to discuss acquisition negotiations.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Tossey, LeTourneau, Elvig, Kuzma, and Riley. Voting No: None. Absent: Councilmember Backous.

The City Council meeting moved into a Closed Session at 8:29 p.m.

The City Council reconvened in Open Session at 9:21 p.m.

City Attorney Goodrich stated the Council held discussion to consider terms for the possible purchase of 14590 Armstrong Boulevard NW, Wiser Choice Liquor Store, and reached consensus to continue negotiations with the seller with results coming back at a subsequent meeting.

7.07: Attorney-Client Privileged Discussion Regarding the Pending Isanti County District Court Lawsuit Titled “County of Isanti, Plaintiff, vs. Keith Kiefer, Defendant, vs. City of Ramsey and City Administrator, Kurtis Ulrich, in his official capacity and individually, Third Party Defendants.”

City Attorney Goodrich reported this matter has been resolved and a settlement agreement signed to purchase this property at 6203 Rivlyn Avenue NW. He indicated the City has agreed to get the title marketable, which has been completed, and escrow money will be paid to Mr. Kiefer with a goal to close by April 30, 2013.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich announced that tomorrow, the City will be testifying before the Senate Transportation Committee on the Highway 10 project. He requested consideration of forming a working committee to provide testimony and attend related meetings.

Mayor Strommen and Councilmembers Tossey and LeTourneau volunteered to serve in that capacity.

City Administrator Ulrich announced upcoming events and meetings.

Mayor Strommen reported there is also a funding bill in the House. She announced she will be participating in the Ramsey Elementary “I Love to Read” event and will share letters she received from third graders.

Councilmember Tossey addressed recent plowing concerns.

City Administrator Ulrich noted the City has implemented a new plowing procedure to rotate routes, which will be included in the next newsletter.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 9:32 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.