

City of Ramsey
Agenda
Regular City Council
Tuesday, October 22, 2013
7:00 pm
Council Chambers, 7550 Sunwood Drive NW

- 1. Call to Order**
- 2. Presentation**
- 3. Citizen Input**
- 4. Consent Agenda**
 1. Receive Cash & Investments for Period Ending September 30, 2013
 2. Receive September 2013 Financial Reports - General Fund and Enterprise Funds
 3. Note the Following Boards and Commission Meeting Minutes:

Environmental Policy Board Meeting Minutes Dated August 26, 2013
Planning Commission Meeting Minutes Dated September 5, 2013
Park and Recreation Commission Meeting Minutes Dated September 12, 2013
 4. Approve the Following Meeting Minutes:
 1. City Council Work Session - October 8, 2013
 2. City Council Regular - October 8, 2013
 5. Approve Request to Declare Surplus Property
 6. Consider Request for Site Plan approval for a Building Expansion on the Property Located at 6820 143rd Ave NW; Case of Molin Concrete Products Company
 7. Introduce Ordinance to Amend City Code relating to the Business Registration Certificate
 8. Adopt Resolution #13-10-181 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of October 3, 2013 through October 16, 2013
 9. Adopt Resolution #13-10-176 Approving Partial Payment to Dave Perkins Contracting for IP 13-12 North Commons (COR THREE) 4 Lot Residential Development
 10. Adopt Resolution #13-10-177 Approving Partial Payment to Allied Blacktop for IP #13-00 2013 Street Maintenance Program; Division A
 11. Adopt Resolution #13-10-179 Approving Final Payment to North Pine Aggregates, Inc. IP 12-20 CSAH 83 (Armstrong Blvd) - Sunwood Drive

12. Adopt Resolution #13-10-180 Approving Partial Payment to Douglas-Kerr Underground LLC for IP 13-11 COR TWO Site Improvements
13. Report From the Finance Committee of October 8, 2013
Ratify the recommendations of the Finance Committee with the following actions:
 1. Recommend to City Council to accept the 2014 Schedule of Rates, Fees and Charges as proposed
 2. Reschedule the discussion and review of 2014 Proposed General Fund Budget and 5-Year Budgets: 2014-2018 when all
all Finance Committee members can be present
5. **Approve Agenda**
6. **Public Hearing**
 1. Public Hearing to Adopt Ordinance Amending Section 58-113 (Water Connections) of the Ramsey City Code
7. **Council Business**
 1. Continuation of Introduction of Franchise Ordinances with Anoka Municipal Utility and Connexus Energy
 2. Introduction of Franchise Fee Ordinances with Anoka Municipal Utility, CenterPoint Energy and Connexus Energy
 3. Consider Request for Approvals Related to Brookfield 4th Addition; Case of Capstone Homes, Inc.
 - a. Adopt Resolution #13-10-173 for Preliminary Plat Approval of Brookfield 4th Addition
 - b. Approve Preliminary Draft of Development Agreement for Brookfield 4th Addition
 4. FOR DISCUSSION ONLY: Review Status of Mississippi River Corridor Critical Area (MRCCA/Critical Area) Rulemaking Process by Minnesota Department of Natural Resources
8. **Mayor/Council/Staff Input**
 1. **Joint Meeting: 6:30 p.m., Tuesday, October 29 - Alexander Ramsey Room - City Council, Planning Commission, Environmental Policy Board, and Economic Development Authority**
 2. **Local Government Officials Meeting: 6:00 p.m., Wednesday, October 30 - Cedar Creek Natural History Area, East Bethel**
 2. **11th Annual Taste of Community: 5:30 p.m., November 7 - Greenhaven Golf & Banquet Center, Anoka**
9. **Adjournment**

CC Regular Session

4. 1.

Meeting Date: 10/22/2013

By: Diana Lund, Finance

Information

Title

Receive Cash & Investments for Period Ending September 30, 2013

Purpose/Background:

Purpose: Receive reports of the City's cash and investments for the period ending September 13, 2013.

Cash and Investment report shows the monthly cash flow - receipts and expenditures through September 30, 2013 with the current listing of the city's investment portfolio.

The cash balances graph reflects the changes in cash balances on the city's major funds for the period ending September 30, 2013 in comparison to year-ending December 31, 2012. December 31, 2012 numbers reflect final audited numbers.

Action:

None required. Informational only.

Attachments

Cash & Investments for Period Ending September 30, 2013

Cash Balances on Major City Funds - September 30, 2013

Form Review

Inbox

Kurt Ulrich

Form Started By: Diana Lund

Final Approval Date: 10/17/2013

Reviewed By

Kurt Ulrich

Date

10/17/2013 02:35 PM

Started On: 10/11/2013 10:22 AM

CITY OF RAMSEY
REPORT OF POOLED CASH FLOWS
Period Ended September 30, 2013

	September-13 CURRENT MONTH	2013 YEAR-TO-DATE
CASH AND TEMPORARY INVESTMENTS		
BEGINNING BALANCE	\$ 44,060,183.17	\$ 42,990,689.01
CASH INFLOWS:		
Daily Deposit	563,090.41	4,971,085.81
Tax Settlements	-	5,801,833.54
U/B Receipts	196,145.23	2,427,690.87
Credit Cards	51,300.08	376,066.78
Interest Earnings [Net of Interest Paid on Investments]	42,160.35	512,805.01
Bond Proceeds	601,363.42	601,363.42
TOTAL CASH INFLOW	\$ 1,454,059.49	\$ 14,690,845.43
TOTAL CASH AVAILABLE	\$ 45,514,242.66	\$ 57,681,534.44
CASH OUTFLOWS:		
Prepaid Checks	580,360.24	\$ 6,138,910.34
Bills Lists	285,291.86	3,397,915.94
Pay Estimates	93,836.78	493,743.91
Credit Cards	2,325.76	11,620.14
Payroll - Net	233,352.00	2,424,111.28
Flex Reimbursement	3,615.21	42,016.85
Void Checks/Dormant Checks Paid	-	(47,191.09)
Debt Service	-	904,946.26
Miscellaneous [Bank Charges; etc.]	-	-
TOTAL CASH OUTFLOW	\$ 1,198,781.85	\$ 13,366,073.63
POOLED CASH AND TEMPORARY INVESTMENTS ENDING BALANCE	\$ 44,315,460.81	\$ 44,315,460.81
MEMO - NET 2013 CASH INFLOW (OUTFLOW)	255,277.64	1,324,771.80
INVESTMENT PORTFOLIO SUMMARY		
BEGINNING BALANCE	\$ 38,716,450.41	\$ 35,341,145.16
Purchases	1,350,000.00	14,982,000.00
Maturities/Sales	(2,226,673.57)	(12,483,368.32)
ENDING BALANCE	\$ 37,839,776.84	\$ 37,839,776.84

2013 CASH AND INVESTMENT ACTIVITY

CITY INVEST #	STATED MAT DATE	BROKER	SECURITY DESCRIP	CUSIP	PRIN	PURCH 2013	SOLD/ MATURE	BV PRIN BAL	PAR	YTM
					1/1/2013		2013	12/31/2013		
031029	3/15/2013	Landmark	CD-Landmark	old-12456 new-13672	317,299.14		317,299.14	0.00 0.00	256,633	1.50%
121203A	5/31/2013	4M	Term Series 4M		4,000,000.00	2,000,000.00	4,000,000.00 2,000,000.00	0.00 0.00	4,000,000 2,000,000	0.20% 0.12%
130606A	9/4/2013	4M	Term Series 4M		1,000,000.00		0.00	1,000,000.00	1,000,000	0.25%
121203B	11/29/2013	4M	Term Series 4M					1,000,000.00		
091229D	12/29/2014	BOW FNC	FFCB CLOSE out MM	31331JAN3	1,000,000.00		0.00	1,000,000.00 1,000,000.00	1,000,000	2.75%
120711	7/11/2014	ICD SEC	CD-ALLY BANK	02005QM67	73,000.00		0.00	73,000.00	73,000	0.90%
121219B	12/19/2014	ICD SEC	CD-ALLY BANK	02005QU84	115,000.00		0.00	115,000.00	115,000	0.70%
121219A	12/21/2015	ICD SEC	CD-ALLY BANK	02005QU76	58,000.00		0.00	58,000.00	58,000	0.90%
081028	10/28/2013	ICD SEC	CD-AMERICAN CHARTEP	27006	100,000.00		0.00	100,000.00	100,000	5.50%
110609	6/9/2014	ICD SEC	CD-AMERICAN EXPRESS	02587DAX6	250,000.00		0.00	250,000.00	250,000	1.25%
120718	11/18/2013	ICD SEC	CD-APPLE BANK FOR SA	037830MN3	78,000.00		0.00	78,000.00	78,000	0.45%
110803A	2/4/2013	ICD SEC	CD-BANCO POPULAR	05967EGL7	200,000.00		200,000.00	0.00	200,000	0.65%
120621	6/21/2013	ICD SEC	CD-BANK BALBAO	059457UY5	150,000.00		150,000.00	0.00	150,000	0.50%
120926	9/26/2013	ICD SEC	CD-BANK HAPOALIM	062S1AYM6	100,000.00		100,000.00	0.00	100,000	0.50%
091203	12/3/2014	ICD SEC	CD-BANK OF AMERICA	3510	100,000.00		0.00	100,000.00	100,000	3.50%
120713	7/12/2013	ICD SEC	CD-BANK OF BARODA	060624JZ7	249,000.00		249,000.00	0.00	249,000	0.45%
111221B	12/23/2013	ICD SEC	CD-BANK OF CHINA	06425HVS3	100,000.00		0.00	100,000.00	100,000	1.10%
121231	12/31/2013	ICD SEC	CD-BANK OF CHINA	06426NVL3	149,000.00		0.00	149,000.00	149,000	0.55%
081223	12/23/2013	ICD SEC	CD-BANK OF CHINA	06426NVL3	149,000.00		0.00	100,000.00	100,000	4.95%
081223	12/23/2013	ICD SEC	CD-BANK OF HOLLAND	34862	100,000.00		0.00	100,000.00	100,000	0.35%
130424	4/23/2014	ICD SEC	CD-BANK OF INDIA	0627826D4	100,000.00	100,000.00	0.00	100,000.00	100,000	0.60%
130823	2/23/2015	ICD SEC	CD-GE CAPITAL RETAIL	36157QNH6	198,000.00	198,000.00	0.00	198,000.00	198,000	0.75%
130925	9/25/2015	ICD SEC	CD-COMPASS BANK	20451PEM4	100,000.00	100,000.00	0.00	100,000.00	100,000	0.45%
120411	4/10/2013	ICD SEC	CD-BANK OF INDIA	06782D20	100,000.00		0.00	100,000.00	100,000	0.50%
121031	10/30/2013	ICD SEC	CD-BANK OF INDIA	062782T98	100,000.00		249,000.00	0.00	249,000	0.40%
120208A	5/8/2013	ICD SEC	CD-BEAL BANK USA	07370SK20	249,000.00		100,000.00	0.00	100,000	0.60%
120210	8/12/2013	ICD SEC	CD-BMW BANK	05568PV46	100,000.00		0.00	100,000.00	100,000	1.20%
121123C	11/16/2016	ICD SEC	CD-BMW BANK OF NORT	05568P2K2	100,000.00		0.00	100,000.00	100,000	5.25%
081009	10/9/2013	ICD SEC	CD-CAPITOL CITY BANK	33938	100,000.00		0.00	100,000.00	100,000	0.70%
130726A	1/26/2016	ICD SEC	CD-CATHAY BANK	149159JA4	200,000.00	248,000.00	0.00	200,000.00	200,000	1.05%
110831	2/28/2014	ICD SEC	CD-CIT BANK	172854AWZ7	200,000.00		0.00	200,000.00	200,000	1.00%
110930	9/30/2013	ICD SEC	CD-COMPASS BANK	20449E3C8	100,000.00		100,000.00	0.00	100,000	1.05%
111014	10/21/2013	ICD SEC	CD-COMPASS BANK	20449E3Z7	100,000.00		0.00	100,000.00	100,000	0.70%
130710A	7/10/2015	ICD SEC	CD-DISCOVER BANK	254671RU6	100,000.00	100,000.00	0.00	100,000.00	249,000	0.65%
130724	7/24/2015	ICD SEC	CD-DISCOVER BANK	254671SP6	149,000.00	149,000.00	0.00	149,000.00	249,000	0.85%
110629A	7/1/2013	ICD SEC	CD-DISCOVER BANK	254670G48	248,000.00		248,000.00	0.00	248,000	0.40%
130325	9/25/2014	ICD SEC	CD-DORAL BANK	25811L3F4	249,000.00	249,000.00	0.00	249,000.00	249,000	1.45%
101221	12/23/2013	ICD SEC	CD-DORAL BANK	25811LYN3	249,000.00		0.00	249,000.00	249,000	0.50%
121129	11/29/2013	ICD SEC	CD-EVERBANK	29976DQC7	200,000.00		0.00	200,000.00	200,000	0.70%
130731	2/9/2016	ICD SEC	CD-FARMERS TRUST & S	310756AB7	100,000.00	100,000.00	0.00	100,000.00	150,000	0.30%
130520	11/20/2014	ICD SEC	CD-FIDELITY BANK	315886AQ4	150,000.00	150,000.00	150,000.00	0.00	150,000	0.50%
120810	8/9/2013	ICD SEC	CD-FIRST BANK OF PUER	33764JJA4	100,000.00		0.00	100,000.00	100,000	0.50%
121019	10/18/2013	ICD SEC	CD-FIRST BANK OF PUER	33764JMR3	100,000.00		0.00	200,000.00	200,000	1.10%
130301	3/1/2018	ICD SEC	CD-GE CAPITAL BANK	36161TJB2	49,000.00	200,000.00	0.00	49,000.00	49,000	0.90%
120817B	8/18/2014	ICD SEC	CD-GE CAPITAL BANK	36161TDW2	200,000.00		200,000.00	0.00	200,000	0.95%
110225	2/25/2013	ICD SEC	CD-GE CAPITAL FINANC	36160TQJ8	200,000.00		100,000.00	0.00	100,000	0.65%
130327	9/28/2015	ICD SEC	CD-GOLDMAN SACHS	38147JCG5	100,000.00	100,000.00	0.00	100,000.00	100,000	0.65%
110921	3/21/2013	ICD SEC	CD-GOLDMAN SACHS	3814265W1	100,000.00		48,000.00	0.00	48,000	0.45%
120808	8/8/2013	ICD SEC	CD-GOLDMAN SACHS	38143AX46	48,000.00		0.00	100,000.00	100,000	1.10%
11121A	12/23/2013	ICD SEC	CD-GOLDMAN SACHS	38143AEB7	100,000.00		0.00	249,000.00	249,000	0.35%
130213	8/13/2014	ICD SEC	CD-KEY BANK NA	49306SRC2	249,000.00	249,000.00	0.00	249,000.00	249,000	1.00%
110629C	4/29/2014	ICD SEC	CD-LAKESIDE BANK	51210SG47	249,000.00		0.00	200,000.00	200,000	0.45%
130417	10/16/2015	ICD SEC	CD-MARLIN BUSINESS B.	57116AFU5	100,000.00	200,000.00	0.00	100,000.00	100,000	1.10%
110613	12/13/2013	ICD SEC	CD-MEDALLION BANK	58403BUW4	100,000.00		0.00	100,000.00	249,000	0.50%
130726B	1/26/2015	ICD SEC	CD-MERRICK BANK	56012Y4E4	150,000.00		0.00	150,000.00	150,000	0.50%
130628A	12/29/2014	ICD SEC	CD-MERRICK BANK	59012Y3Y1	200,000.00		0.00	200,000.00	200,000	0.90%
130206	2/8/2016	ICD SEC	CD-ORIENTAL BANK & T	6861845S2	100,000.00		100,000.00	0.00	100,000	0.35%
120427	7/29/2013	ICD SEC	CD-PRIVATEBANK & TR	742676SB4	100,000.00		0.00	99,000.00	99,000	0.40%
130515	5/15/2015	ICD SEC	CD-SAFRA NATIONAL B/	78658AGG	100,000.00	99,000.00	100,000.00	0.00	100,000	0.35%
120307	4/8/2013	ICD SEC	CD-SAFRA NATIONAL B/	786580A59	100,000.00		0.00	100,000.00	100,000	1.00%
120131	1/30/2015	ICD SEC	CD-SAFRA NATIONAL B/	786584YA2	100,000.00		0.00	249,000.00	249,000	0.90%
120815	8/15/2014	ICD SEC	CD-SALLIE MAE BANK	795450NU5	249,000.00		249,000.00	0.00	249,000	0.40%
120208B	2/7/2013	ICD SEC	CD-SOVEREIGN BANK	84603MV29	249,000.00		0.00	150,000.00	150,000	1.10%
120123	1/23/2015	ICD SEC	CD-STATE BANK OF INDI	33664	150,000.00		100,000.00	0.00	100,000	0.80%
120629	7/1/2013	ICD SEC	CD-STATE BANK OF INDI	33664	100,000.00					

2013 CASH AND INVESTMENT ACTIVITY

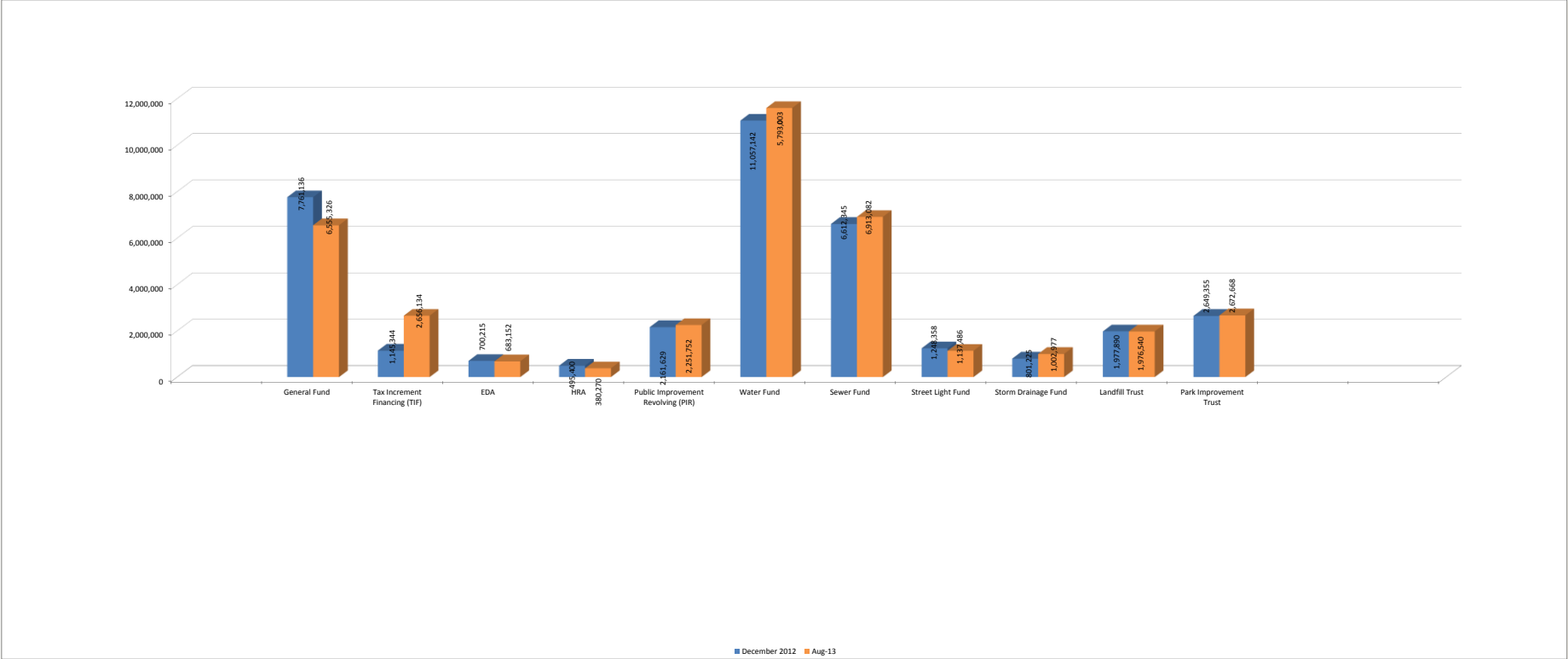
CITY INVEST #	STATED MAT DATE	BROKER	SECURITY DESCRIP	CUSIP	PRN BAL		PURCH 2013	SOLD/ MATURE 2013	BV PRN BAL		PAR	YTM
					1/1/2013				12/31/2013			
111005	10/5/2026	ICD SEC	CD-WELLS FARGO BANK	949748K97		150,000.00		0.00	150,000.00	150,000	3.00%	
:0812121	12/12/2013	ICD SEC	CD-WORLDS FOREMOST	57079		100,000.00		0.00	100,000.00	100,000	4.95%	
									5,962,000.00			
090102A	1/25/2033	Com Sec	FNR 2003-19 ME	31392JG5		43,778.37		18,324.23	25,454.14	165,176	3.95%	
090102B	12/25/2018	Com Sec	FNR 2003-120 BY	31393UGR8		132,527.24		44,604.72	87,922.52	200,000	3.98%	
080128C	1/15/2038	Com Sec	FHR 3404 JC	31397PTH3		218,355.51		218,355.51	0.00	1,000,000	4.74%	
			Add Back prn paydown in 1/13						113,376.66			
120214B	4/1/2017	Northland	ST FRANCIS ISD#15	789466-PU-7		250,000.00		0.00	250,000.00	250,000	4.40%	
130125A	3/1/2019	Northland	WITTENBERG WIS SCHO	97746PBL2		0.00	110,000.00	110,000.00	0.00	110,000	5.30%	
130722	2/1/2021	Northland	MOUND MN TAXABLE	620835-W4-2		0.00	95,000.00	0.00	95,000.00	95,000	2.00%	
130624A	2/1/2023	Northland	RAMSEY COUNTY TAXA	751622-HH-7		0.00	595,000.00	0.00	595,000.00	595,000	2.75%	
130624B	2/1/2022	Northland	RAMSEY COUNTY TAXA	751622-HG-9		0.00	285,000.00	0.00	285,000.00	285,000	2.50%	
130624C	6/1/2018	Northland	WATERLOO IOWA TAXA	941647-NZ-8		0.00	345,000.00	0.00	345,000.00	345,000	2.00%	
130702A	1/1/2019	Northland	MINNETONKA ISD #276	604195-VW-4		0.00	285,000.00	0.00	285,000.00	285,000	1.40%	
130702B	1/1/2021	Northland	MINNETONKA ISD #276	604195-UY-0		0.00	400,000.00	0.00	400,000.00	400,000	2.10%	
130312	12/11/2014	Northland	MENARD & CASS COUNI	76T-173301		0.00	590,000.00	0.00	590,000.00	590,000	3.50%	
130125b	12/1/2020	Northland	PALATINE ILL TAX	696089QL8		0.00	100,000.00	0.00	100,000.00	100,000	5.05%	
130125C	12/1/2019	Northland	PALATINE ILL TAX	696089QKO		0.00	200,000.00	0.00	200,000.00	200,000	5.00%	
130125D	12/1/2018	Northland	PALATINE ILL TAX	696089QJ3		0.00	85,000.00	0.00	85,000.00	85,000	4.85%	
130412	2/1/2024	Northland	BECKER MN TAX	075671LJ4		0.00	50,000.00	0.00	50,000.00	50,000	2.75%	
130815A	12/1/2020	Northland	CHASKA, MN TAX	161664-DY-0		0.00	75,000.00	0.00	75,000.00	75,000	2.50%	
130815B	12/1/2021	Northland	CHASKA, MN TAX	161664-DZ-7		0.00	75,000.00	0.00	75,000.00	75,000	2.75%	
121211A	6/1/2014	Northland	IOWA WESTERN COMM (	462612-QJ-4		130,000.00		0.00	130,000.00	130,000	0.40%
121211B	6/1/2015	Northland	IOWA WESTERN COMM (	462612-QK-1		175,000.00		0.00	175,000.00	175,000	0.50%
121211C	6/1/2016	Northland	IOWA WESTERN COMM (	462616-QL-9		100,000.00		0.00	100,000.00	100,000	0.65%
121228A	6/1/2017	Northland	IOWA WESTERN COMM (	462612-QM-7		100,000.00		0.00	100,000.00	100,000	0.85%
121228B	9/1/2023	Northland	MIDDLETON WIS REFUN	596782-T6-7		300,000.00		0.00	300,000.00	300,000	2.36%	
120214B	9/1/2025	Northland	MIDDLETON WIS REFUN	596782-TJ-1		315,000.00		0.00	315,000.00	315,000	2.85%	
120215A	1/1/2028	Northland	MINNETONKA ISD #276	604195-SB-4		50,000.00		0.00	50,000.00	50,000	5.20%	
120215B	6/1/2026	Northland	CEDAR RAPIDS IO TAX	150528-JU-2		50,000.00		0.00	50,000.00	50,000	4.55%	
120215C	10/1/2019	Northland	WESTERN LAKE SUPERIO	958522-WV-4		100,000.00		0.00	100,000.00	100,000	3.15%	
040518	2/1/2013	Northland	FNMA 254663	31371K-Z4-6		1,137.96		1,003.64	134.32	272,453	3.77%	
090212A	2/1/2013	Northland	ROSEMOUNT ISD#196	777594-WW-8		150,000.00		150,000.00	0.00	150,000	3.00%	
090820A	2/1/2013	Northland	LACQUI PARLE VALLEY	505468-AH-1		115,000.00		115,000.00	0.00	115,000	2.65%	
090213B	6/1/2013	Northland	ILLINOIS ST PENSION	452151-LA-9		345,000.00		345,000.00	0.00	345,000	3.85%	
080828B	8/28/2013	Northland	CD-NATIONAL REP BAN	63736Q-JT-9		97,000.00		97,000.00	0.00	97,000	4.95%	
090420A	11/1/2013	Northland	BURLINGTON VT PUB IM	122062-MJ-8		125,000.00		0.00	125,000.00	125,000	3.26%	
080731	12/15/2013	Northland	BEAVER CITY PA TAX	074851-MQ-6		125,000.00		0.00	125,000.00	125,000	5.00%	
100106	12/15/2013	Northland	FOX VALLEY PK DIST BA	351592-GC-8		400,000.00		0.00	400,000.00	400,000	2.06%	
080324	12/30/2013	Northland	WHEATON IL PK TAX	96257-PB-0		475,000.00		0.00	475,000.00	475,000	4.15%	
090630B	12/30/2013	Northland	MCGREGOR ISD #004	580705-GM-7		100,000.00		0.00	100,000.00	100,000	3.00%	
090212B	2/1/2014	Northland	ROSEMOUNT ISD#196	777594-WX-6		300,000.00		0.00	300,000.00	300,000	3.50%	
090715A	2/1/2014	Northland	MOWER CTY MIN JAIL	624662-AH-5		515,000.00		0.00	515,000.00	515,000	3.80%	
090820B	2/1/2014	Northland	LACQUI PARLE VALLEY	505468-AJ-7		120,000.00		0.00	120,000.00	120,000	3.15%	
080425A	3/1/2014	Northland	DAUPHIN COUNTY PA	238253-RU-4		150,000.00		0.00	150,000.00	150,000	5.00%	
090217B	3/1/2014	Northland	STILLWATER ISC #834	860758-PY-1		200,000.00		0.00	200,000.00	200,000	3.40%	
100223B	4/1/2014	Northland	WINNEBAGO CITY WIS	974603-MZ-2		200,000.00		0.00	200,000.00	200,000	2.10%	
080507	5/1/2014	Northland	FREEPORT NE ELEC TAX	356730-T7-6		110,000.00		0.00	110,000.00	110,000	4.50%	
090528B	5/28/2014	Northland	CD-SUNTRUST BANK	86789V-HM-2		100,000.00		0.00	100,000.00	100,000	4.00%	
091103	6/1/2014	Northland	GRIMES IOWA BABS	398526-FV-O		120,000.00		0.00	120,000.00	120,000	3.25%	
110201A	6/1/2014	Northland	WINDSOR HTS IOWA TA	973602-KR-5		255,000.00		0.00	255,000.00	255,000	1.35%	
110301B	6/1/2014	Northland	DES MOINES IA COMM C	250097-YR-7		265,000.00		0.00	265,000.00	265,000	2.00%	
110602	7/5/2014	Northland	ELKHART, IN COMM SCH	287515-SF-8		250,000.00		0.00	250,000.00	250,000	5.75%	
110715	10/22/2014	Northland	CD-BMW BANK	05568P-YZ-4		147,000.00		0.00	147,000.00	147,000	1.55%	
090630C	12/30/2014	Northland	MCGREGOR ISD #004	580705-GL-9		105,000.00		0.00	105,000.00	105,000	3.40%	
090206	2/1/2015	Northland	NORTH ST PAUL MAPLEV	6621406D9		355,000.00		0.00	355,000.00	355,000	3.70%	
090528A	2/1/2015	Northland	WAYZATA ISD #284	946813-TF-9		500,000.00		0.00	500,000.00	500,000	3.15%	
090715B	2/1/2015	Northland	MOWER CTY MIN JAIL	624662-AJ-1		250,000.00		0.00	250,000.00	250,000	4.10%	
090914	2/1/2015	Northland	GRAND RAPIDS MN EQU	386334-2L-9		115,000.00		0.00	115,000.00	115,000	3.70%	
100803A	2/1/2015	Northland	NEW PRAGUE BAB	648159-TU-5		60,000.00		0.00	60,000.00	60,000	2.65%	
090310	4/1/2015	Northland	WEST ALLIS WIS COMM	951172-7R-0		340,000.00		0.00	340,000.00	340,000	3.75%	
081106	6/1/2015	Northland	KIRKWOOD COMM COLI	497595-VC-9		245,000.00		0.00	245,000.00	245,000	5.50%	
110301A	6/1/2015	Northland	DES MOINES IA COMM C	250097-YS-5		100,000.00		0.00	100,000.00	100,000	2.50%	
090420B	11/1/2015	Northland	BURLINGTON VT PUB IM	022062-ML-3		200,000.00		0.00	200,000.00	200,000	3.75%	
110913A	12/1/2015	Northland	APPLETON MN TAXABLE	03805A-KR-8		140,000.00		0.00	140,000.00	140,000	1.60%	
080502	12/15/2015	Northland	ROCKFORD ILL TAX	77316Q-B4-4		205,000.00		0.00	205,000.00	20,500	5.13%	
110208	12/30/2015	Northland	MCGREGOR ISD #004	580705-GN-5		95,000.00		0.00	95,000.00	95,000	2.35%	
090217C	3/1/2016	Northland	STILLWATER ISC #834	860758-QA-2		245,000.00		0.00	245,000.00	245,000	4.20%	
110114B	3/1/2016	Northland	APPLETON WIS SCHOOL	038106-JN-1		100,000.00		0.00	100,000.00	100,000	2.77%	
100223A	6/1/2016	Northland	DAVENPORT IOWA TAX	238388-FU-1		335,000.00		0.00	335,000.00	335,000	3.25%	
110201B	6/1/2016	Northland	WINDSOR HTS IOWA TA	973602-KT-1		130,000.00		0.00	130,000.00	130,000	2.30%	

2013 CASH AND INVESTMENT ACTIVITY

CITY INVEST #	STATED MAT DATE	BROKER	SECURITY DESCRIP	CUSIP	PRIN	PURCH	SOLD/	BV	PAR	YTM
					BAL		MATURE	PRIN		
					1/1/2013	2013	2013	12/31/2013		
110816A	10/1/2016	Northland	WESTIN LAKE SUPERIOR	958522-WR-1	350,000.00		0.00	350,000.00	350,000	2.10%
110714B	10/1/2016	Northland	WAUWATO WIS REFUND	943504-R2-8	300,000.00		0.00	300,000.00	300,000	1.90%
110913B	12/1/2016	Northland	APPLETON MN TAXABLE	038051-KS-6	110,000.00		0.00	110,000.00	110,000	2.00%
110114A	2/1/2017	Northland	HOPKINS ISD #270	439881-HB-2	100,000.00		0.00	100,000.00	100,000	2.75%
110203A	4/1/2017	Northland	MEDFORD WIS SCHOOL I	58434T-DK-3	40,000.00		0.00	40,000.00	40,000	2.75%
110106	6/1/2017	Northland	CHARLES CTY MD	159807-C3-8	105,000.00		0.00	105,000.00	105,000	4.00%
120214A	9/1/2017	Northland	TAOS NEW MEX SD	876014-FV-8	175,000.00		0.00	175,000.00	175,000	4.63%
110816B	10/1/2017	Northland	WESTIN LAKE SUPERIOR	958522-WS-9	350,000.00		0.00	350,000.00	350,000	2.50%
100803B	2/1/2018	Northland	NEW PRAGUE BAB	648159-TX-9	70,000.00		0.00	70,000.00	70,000	3.75%
111031	6/1/2018	Northland	RACINE WIS TAXABLE	750021-6D-4	755,000.00		0.00	755,000.00	755,000	2.10%
110608	2/1/2019	Northland	WADENA MN BAB	930217-JD-7	95,000.00		0.00	95,000.00	95,000	3.94%
100803C	2/1/2019	Northland	NEW PRAGUE BAB	648159-TY-7	45,000.00		0.00	45,000.00	45,000	4.00%
110310	2/1/2020	Northland	BROOKLYN CENTER ISD	113853-KG-9	285,000.00		0.00	285,000.00	285,000	4.65%
100803D	2/1/2020	Northland	NEW PRAGUE BAB	648159-TZ-4	70,000.00		0.00	70,000.00	70,000	4.25%
120308A	12/1/2020	Northland	SHOREWOOD WIS TAX	825230-KU-8	150,000.00		0.00	150,000.00	150,000	2.50%
120321	3/1/2022	Northland	MADISION WI SCHOOL D	558495-KN-6	500,000.00		0.00	500,000.00	500,000	2.50%
120606B	6/1/2022	Northland	CEDAR RAPIDS IO TAX	150528-ND-6	135,000.00		0.00	135,000.00	135,000	2.50%
120308B	12/1/2022	Northland	SHOREWOOD WIS TAX	825230-KW-4	150,000.00		0.00	150,000.00	150,000	2.80%
120606A	6/1/2023	Northland	CEDAR RAPIDS IO TAX	150528-PA-9	140,000.00		0.00	140,000.00	140,000	2.70%
120308C	12/1/2027	Northland	SHOREWOOD WIS TAX	825230-LB-9	225,000.00		0.00	225,000.00	225,000	3.25%
120308D	12/1/2028	Northland	SHOREWOOD WIS TAX	825230-LC-7	465,000.00		0.00	465,000.00	465,000	3.15%
								<u>16,842,134.32</u>		
971212	11/28/2002	UBS	CD-FNB KEYSTONE, Neve	320950AJ7R	96,000.00		0.00	96,000.00	96,000	6.25%
010328	6/25/2023	UBS	FHG14A	312916PD5R	8,000.00		2,000.00	6,000.00	152,000	6.00%
120822	8/22/2022	UBS	FHLB	313380C47	500,000.00		0.00	500,000.00	500,000	1.25%
120820	8/20/2027	UBS	FHLB	313380B71	1,000,000.00		0.00	1,000,000.00	1,000,000	1.00%
130404	10/25/2027	UBS	FHLB	313380UU9	-	750,000.00	0.00	750,000.00	750,000	2.13%
130903	6/5/2023	UBS	FHLB	313383B42	-	850,000.00	0.00	850,000.00	850,000	2.24%
130912	6/13/2023	UBS	FHLB	313383CB5	-	400,000.00	0.00	400,000.00	400,000	5.00%
130710B	6/20/2023	UBS	FHLB	31338321	-	750,000.00	0.00	750,000.00	750,000	2.03%
130606B	11/1/2019	UBS	NYC GEN TAX	64971QH63	-	1,000,000.00	0.00	1,000,000.00	1,000,000	1.73%
130611	5/21/2018	UBS	FNMA	3135G0XD0	-	750,000.00	0.00	750,000.00	750,000	1.29%
130627	6/5/2019	UBS	FNMA	3133835X5	-	500,000.00	0.00	500,000.00	500,000	1.99%
130628B	5/26/2023	UBS	FHLB	313383CQ2	-	500,000.00	0.00	500,000.00	500,000	1.78%
130425	4/25/2023	UBS	FHLB	313382QZ9	-	500,000.00	0.00	500,000.00	500,000	1.63%
130807	12/27/2024	UBS	FHLB	3133816K5	-	500,000.00	0.00	500,000.00	500,000	1.25%
130821	9/6/2022	UBS	FHLB	313380HG5	-	500,000.00	0.00	500,000.00	500,000	2.23%
121123A	11/23/2027	UBS	FHLB	313381BT1	500,000.00		0.00	500,000.00	500,000	2.16%
121123B	11-23-27	UBS	FHLB	313381BD6	500,000.00		0.00	500,000.00	500,000	2.00%
121128	11/28/2022	UBS	FHLB	313381AC9	500,000.00		0.00	500,000.00	500,000	1.25%
121221	12/21/2027	UBS	FHLB	313381FP5	750,000.00		0.00	750,000.00	750,000	2.00%
120730	7/30/2024	UBS	FHLB-STEP	3133803H8	500,000.00		0.00	500,000.00	500,000	1.90%
120228	2/28/2017	UBS	FHLMC	313463NA4	400,000.00		0.00	400,000.00	400,000	1.31%
120328	3/28/2022	UBS	FHLMC	313463SF8	500,000.00		500,000.00	0.00	500,000	2.13%
000417	8/15/2021	UBS	FHLMC REMIC 181e	312904AU9C	2,276.81		584.17	1,692.64	88,604	7.00%
970917B	9/15/2021	UBS	FHLMC REMIC SERIES FF	312904GT6C	3,637.37		674.16	2,963.21	255,714	7.21%
020826	10/15/2022	UBS	FHR 1391D	312912LUO	2,539.24		363.76	2,175.48	59,990	6.00%
030630A	6/15/2018	UBS	FHR 2628 AB	31393VMQ1C	26,639.15		9,050.97	17,588.18	200,000	3.12%
030930A	9/15/2018	UBS	FHR 2677 KH	31394JTP2	57,367.18		20,810.38	36,556.80	300,000	4.50%
040730A	7/15/2019	UBS	FHR 2822 DB	31395C3S8	95,514.35		32,307.03	63,207.32	500,000	5.00%
040730B	7/15/2019	UBS	FHR 2822 DQ	31395C3U3	20,216.44		16,199.03	4,017.41	500,000	5.00%
120322	3/22/2027	UBS	FNMA	3136FT6A2	500,000.00		500,000.00	0.00	500,000	1.49%
120329B	3/29/2027	UBS	FNMA	3136FT7E3	500,000.00		500,000.00	0.00	500,000	2.00%
970625	2/25/2021	UBS	FNMA FNR-1991-7 H	31358FZW2	3,000.00		1,000.00	2,000.00	129,000	7.84%
0210004	8/25/2022	UBS	FNR 1992-125L	31358P5A0C	2,974.07		301.22	2,672.85	52,000	7.00%
031030A	11/25/2018	UBS	FNR 2003-113KA	31393T2P0	7,082.57		7,082.56	0.01	197,000	4.50%
030430B	4/25/2018	UBS	FNR 2003-41-JH	31393BD36C	11,621.53		11,336.39	285.14	300,000.00	5.00%
030730A	8/25/2018	UBS	FNR 2003-74-KN	31393EAL3C	55,357.71		20,586.37	34,771.34	300,000.00	3.59%
040830	8/25/2019	UBS	FNR 2004 68 BT	31394AYU4	1,636.64		1,629.83	6.81	500,000	
001127	7/25/2022	UBS	FNR G92-35	31358PHV2C	2,688.86		359.89	2,328.97	75,215	7.49%
020816B	1/25/2024	UBS	FNR G94-2D	31359GR40	134.80		134.81	-0.01	46,221	6.45%
040430	4/25/2019	UBS	FNR-2004-31-DA	31393YAJ7	35,360.22		35,360.51	-0.29	500,000	4.50%
101228	4/1/2013	UBS	MPLS SCHOOL DISTR	603792PR7	615,000.00		615,000.00	0.00	615,000	1.70%
121207	11/1/2018	UBS	NYC GEN TAX	64971QH55	500,000.00		0.00	500,000.00	500,000	1.28%
120817A	5/1/2018	UBS	NYC-TAXABLE	64971QTU7	500,000.00		0.00	500,000.00	500,000	1.60%
								<u>12,922,265.86</u>		
Money Mkt							0.00	0.00		

2013 CASH AND INVESTMENT ACTIVITY

<u>CITY</u>	<u>STATED</u>				<u>PRIN</u>		<u>SOLD/</u>	<u>BV</u>		
<u>INVEST #</u>	<u>MAT</u>	<u>BROKER</u>	<u>SECURITY</u>	<u>CUSIP</u>	<u>BAL</u>	<u>PURCH</u>	<u>MATURE</u>	<u>PRIN</u>	<u>PAR</u>	<u>YTM</u>
	<u>DATE</u>		<u>DESCRIP</u>		<u>1/1/2013</u>	<u>2013</u>	<u>2013</u>	<u>BAL</u>		
								<u>12/31/2013</u>		
			TOTAL INVESTMENTS		35,341,145.16	14,982,000.00	12,483,368.32	37,839,776.84		
			Unamortized Premiums		1,221,206.69	47,541.90		1,268,748.59		
			Unamortized Discounts		(2,854,357.28)	-142,248.61		-2,996,605.89		
			BOW		2,600,100.00	25,532,047.45	26,270,770.40	1,861,377.05		
			Village Bank Checking		25,522.39	24,153.37	120,935.77	-71,260.01		
			Money Market Accounts		6,657,072.05	4,006,394.19	4,250,042.01	6,413,424.23		
			Net Cash and Investments		42,990,689.01	44,449,888.30	43,125,116.50	44,315,460.81		



CC Regular Session

4. 2.

Meeting Date: 10/22/2013

By: Diana Lund, Finance

Information

Title

Receive September 2013 Financial Reports - General Fund and Enterprise Funds

Purpose/Background:

Purpose: Receive September monthly financial reports for the funds of General, Water, Sewer, Street Lighting, Recycling and Storm Drainage.

Brief summary of actual revenues and expenditures-to-date in comparison to adopted budget for the respective funds.

Action:

No Action Required. Informational Only.

Attachments

September 2013 General Fund Financial Report - Budget to Actual

September 2013 Enterprise Funds Financial Reports - Budget to Actual

Form Review

Inbox

Kurt Ulrich

Form Started By: Diana Lund

Final Approval Date: 10/17/2013

Reviewed By

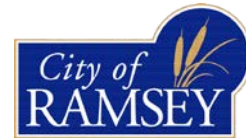
Kurt Ulrich

Date

10/17/2013 02:49 PM

Started On: 10/16/2013 09:56 AM

**CITY OF RAMSEY
FINANCIAL STATEMENT**



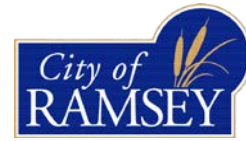
JANUARY 1, 2013 THROUGH PERIOD ENDING: September 30, 2013

GENERAL FUND EXPENDITURES - BY DEPARTMENT -		
Dept	CURRENT YEAR REQUESTED BUDGE	CURRENT YTD GENERAL LEDGER
Admin	1,363,433.00	987,541.76
Com Dev	455,632.00	357,072.39
Contingency	224,539.00	-
Council	124,573.00	114,767.95
Finance	447,108.00	424,648.81
Fire	848,437.00	398,434.85
Legal	126,000.00	63,660.37
Police	3,068,708.00	2,010,358.78
Public Works	3,635,407.00	1,662,765.57
Grand Total	10,293,837.00	6,019,250.48

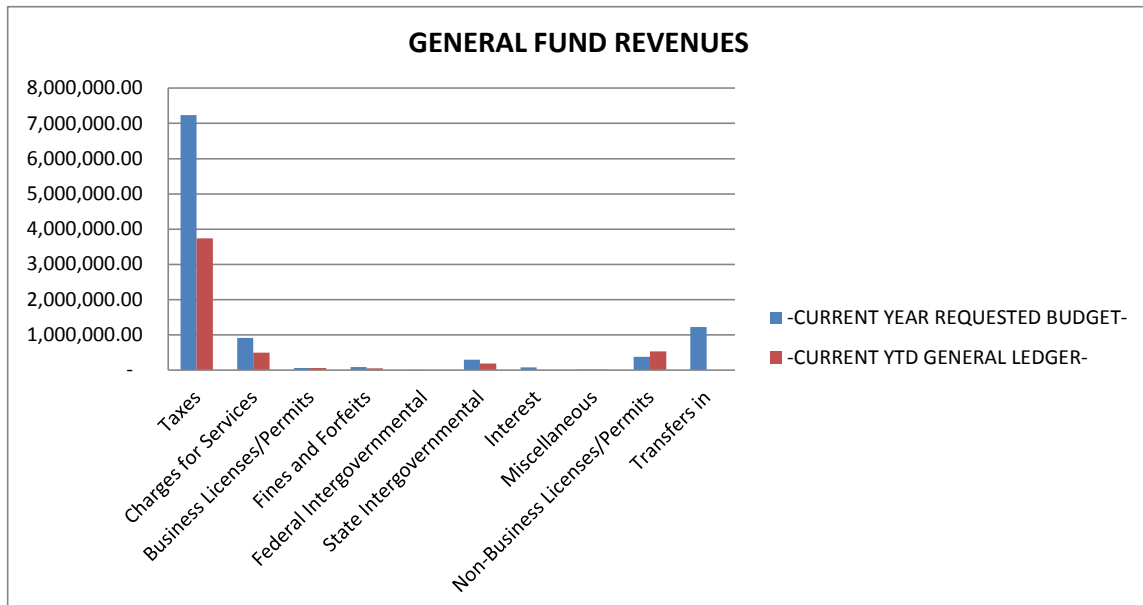
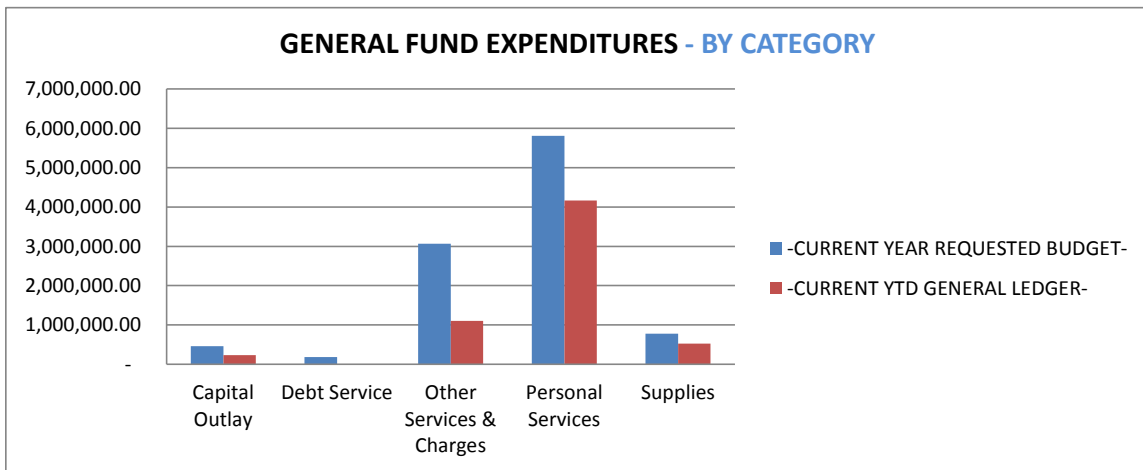
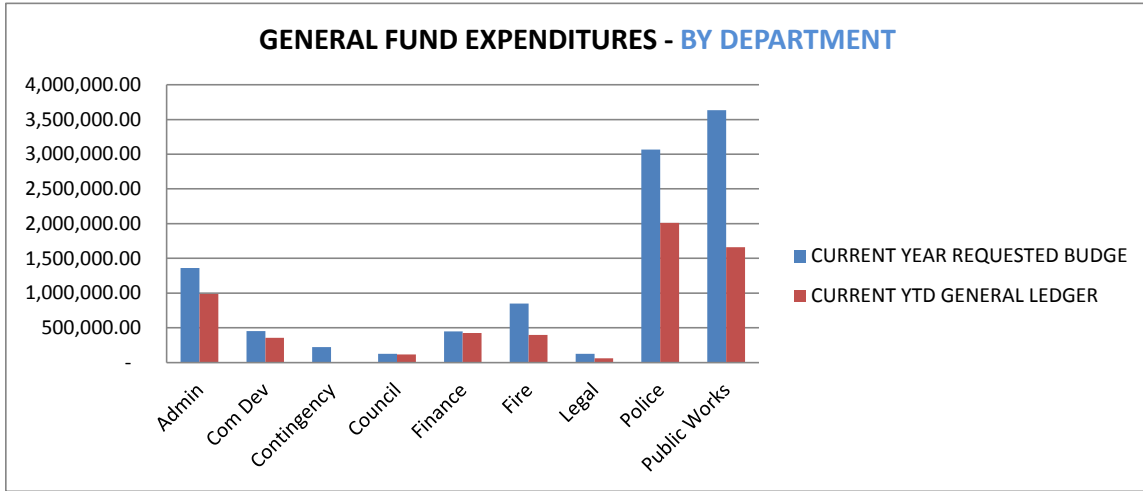
GENERAL FUND EXPENDITURES - BY CATEGORY -		
Category	-CURRENT YEAR REQUESTED BUDGET-	-CURRENT YTD GENERAL LEDGER-
Capital Outlay	463,000.00	229,752.76
Debt Service	180,823.00	-
Other Services & Charges	3,065,308.00	1,101,053.94
Personal Services	5,806,331.00	4,164,206.29
Supplies	778,375.00	524,237.49
Grand Total	10,293,837.00	6,019,250.48

GENERAL FUND REVENUES - BY CATEGORY -		
Category	-CURRENT YEAR REQUESTED BUDGET-	-CURRENT YTD GENERAL LEDGER-
Taxes	7,233,829.00	3,742,592.86
Charges for Services	915,750.00	497,181.38
Business Licenses/Permits	62,000.00	62,939.02
Fines and Forfeits	89,000.00	50,825.87
Federal Intergovernmental	7,000.00	-
State Intergovernmental	298,300.00	185,081.80
Interest	80,000.00	-
Miscellaneous	10,500.00	13,875.38
Non-Business Licenses/Permits	375,700.00	534,860.88
Transfers in	1,221,758.00	-
Grand Total	10,293,837.00	5,087,357.19

**CITY OF RAMSEY
FINANCIAL STATEMENT**



JANUARY 1, 2013 THROUGH PERIOD ENDING: September 30, 2013



**CITY OF RAMSEY
FINANCIAL STATEMENT**



JANUARY 1, 2013 THROUGH PERIOD ENDING: September 30, 2013

REVENUES				
BUSINESS UNIT	9601	WATER UTILITY		
GENERAL LEDGER ACCOUNT	CURRENT YEAR REQUESTED BUDGET	CURRENT YTD GENERAL LEDGER	-% of Budget-	
4140 CREDIT CARD PROCESSING FEES	(5,000.00)	(3,309.42)	66.19%	
4609 OTHER MISCELLANEOUS REVENUES	61,853.00	2,112.81	3.42%	
4651 WATER REVENUE		(9,277.73)	0.00%	
4652 WATER SALES - RESIDENTIAL	963,401.00	417,671.91	43.35%	
4653 WATER SALES-COMMERCIAL	676,702.00	255,216.36	37.71%	
4654 WATER PENALTIES	32,802.00	9,785.55	29.83%	
4655 WATER METER INSTALLATION	10,000.00	20,020.00	200.20%	
4656 WATER METERS	20,000.00	41,109.00	205.55%	
4657 CONNECTION/RECONNECTION FEES	4,000.00	875.00	21.88%	
4701 INTEREST ON INVESTMENTS	120,000.00	-	0.00%	
4506 PREPAID INTEREST		2,455.65	0.00%	
Grand Total	1,883,758.00	736,659.13		

EXPENSES				
BUSINESS UNIT	9601	WATER UTILITY		
GENERAL LEDGER ACCOUNT	CURRENT YEAR REQUESTED BUDGET	CURRENT YTD GENERAL LEDGER	-% of Budget-	
6102 F.T. REGULAR-WAGES & SALARIES	173,233.00	97,628.21	56.36%	
6103 FULL TIME-REGULAR-OVERTIME	12,500.00	9,728.67	77.83%	
6105 TEMPORARY-WAGES & SALARIES	17,000.00	10,110.00	59.47%	
6121 PERA CONTRIBUTIONS	13,069.00	8,299.85	63.51%	
6122 FICA/MEDICARE CONTRIBUTIONS	15,677.00	9,478.16	60.46%	
6131 GROUP INSURANCE	21,120.00	13,434.30	63.61%	
6133 WORKERS COMP INSURANCE PREMIUM	7,436.00	-	0.00%	
6208 MISCELLANEOUS OFFICE SUPPLIES	1,000.00	467.30	46.73%	
6223 GASOLINE	5,000.00	2,863.32	57.27%	
6225 DIESEL FUEL	7,000.00	3,233.68	46.20%	
6229 SHOP MATERIALS	750.00	211.54	28.21%	
6231 UNIFORMS & TURN-OUT GEAR	1,500.00	1,139.45	75.96%	
6249 MISCELLANEOUS OPERATING SUPPLY	13,000.00	10,366.31	79.74%	
6257 OTHER VEHICLE PARTS	2,500.00	1,488.54	59.54%	
6273 UTILITY SYSTEM MAINT SUPPLIES	75,000.00	71,834.87	95.78%	
6281 SMALL TOOLS & MINOR EQUIPMENT	15,000.00	2,959.84	19.73%	
6292 WATER METERS FOR RESALE	20,000.00	8,983.43	44.92%	
6315 MISCELLANEOUS PROFESSIONAL SER	40,000.00	1,050.00	2.63%	
6322 POSTAGE	2,000.00	833.72	41.69%	
6323 CELLULAR PHONES	2,400.00	1,661.00	69.21%	
6335 TRAINING	1,600.00	1,360.18	85.01%	
6352 GENERAL NOTICE & PUBLIC INFOR	600.00	-	0.00%	
6361 GENERAL LIABILITY/PROPERTY INS	24,000.00	-	0.00%	
6371 ELECTRIC UTILITIES	125,000.00	76,552.30	61.24%	
6372 WATER/IRRIGATION	800.00	-	0.00%	
6373 GAS	4,000.00	1,947.54	48.69%	
6374 REFUSE/RECYCLING	600.00	308.64	51.44%	
6381 BUILDING & STRUCTURE REPAIR	500.00	1,324.00	264.80%	
6439 OTHER MISCELLANEOUS	17,000.00	774.50	4.56%	
6451 MEMBERSHIP DUES	800.00	-	0.00%	
6489 OTHER CONTRACTED SERVICES	27,000.00	66,619.78	246.74%	
6722 DEPRECIATION	654,473.00	-	0.00%	
6820 OPERATING TRANSFERS TO OTHER F	35,000.00	-	0.00%	
Grand Total	1,336,558.00	404,659.13		

**CITY OF RAMSEY
FINANCIAL STATEMENT**



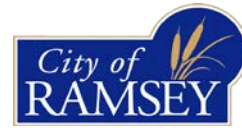
JANUARY 1, 2013 THROUGH PERIOD ENDING: September 30, 2013

REVENUES				
BUSINESS UNIT	9602	SEWER UTILITY		
GENERAL LEDGER ACCOUNT	CURRENT YEAR REQUESTED BUDGET	CURRENT YTD GENERAL LEDGER	-% of Budget-	
4140 CREDIT CARD PROCESSING FEES	(4,000.00)	(2,952.06)	73.80%	
4356 SEWER AVAILABILITY CHARGE-ADM	1,000.00	(4,481.65)	-448.17%	
4609 OTHER MISCELLANEOUS REVENUES	18,546.00	3,906.31	21.06%	
4661 RESIDENTIAL-SEWER CHARGES	925,057.00	480,562.94	51.95%	
4662 COMMERCIAL-SEWER CHARGES	311,381.00	152,097.44	48.85%	
4663 SEWER PENALTIES	24,729.00	14,200.17	57.42%	
4701 INTEREST ON INVESTMENTS	40,000.00	-	0.00%	
4506 PREPAID INTEREST		1,297.68	0.00%	
Grand Total	1,316,713.00	644,630.83		

EXPENSES				
BUSINESS UNIT	9602	SEWER UTILITY		
GENERAL LEDGER ACCOUNT	CURRENT YEAR REQUESTED BUDGET	CURRENT YTD GENERAL LEDGER	-% of Budget-	
6102 F.T. REGULAR-WAGES & SALARIES	87,996.00	23,181.95	26.34%	
6103 FULL TIME-REGULAR-OVERTIME	2,000.00	533.70	26.69%	
6105 TEMPORARY-WAGES & SALARIES	5,500.00	3,042.00	55.31%	
6121 PERA CONTRIBUTIONS	7,830.00	1,739.69	22.22%	
6122 FICA/MEDICARE CONTRIBUTIONS	8,640.00	2,059.91	23.84%	
6133 WORKERS COMP INSURANCE PREMIUM	2,539.00	-	0.00%	
6225 DIESEL FUEL	2,500.00	2,353.36	94.13%	
6249 MISCELLANEOUS OPERATING SUPPLY	8,000.00	7,411.28	92.64%	
6275 OTHER EQUIPMENT PARTS	2,500.00	1,127.07	45.08%	
6315 MISCELLANEOUS PROFESSIONAL SER	10,000.00	2,000.00	20.00%	
6335 TRAINING	1,500.00	300.00	20.00%	
6361 GENERAL LIABILITY/PROPERTY INS	9,500.00	-	0.00%	
6371 ELECTRIC UTILITIES	9,500.00	7,571.49	79.70%	
6373 GAS	2,400.00	1,017.69	42.40%	
6374 REFUSE/RECYCLING	500.00	308.64	61.73%	
6377 SEWER SERVICE CHARGE	584,352.00	438,263.91	75.00%	
6489 OTHER CONTRACTED SERVICES	24,000.00	10,874.87	45.31%	
6722 DEPRECIATION	512,357.00	-	0.00%	
6820 OPERATING TRANSFERS TO OTHER F	29,000.00	-	0.00%	
Grand Total	1,310,614.00	501,785.56		

Note: The Finance Department has highlighted line items that may be trending towards exceeding budget OR not may not have been included in the adopted budget.

**CITY OF RAMSEY
FINANCIAL STATEMENT**



JANUARY 1, 2013 THROUGH PERIOD ENDING: September 30, 2013

REVENUES				
BUSINESS UNIT	9603	STREET LIGHT UTILITY		
GENERAL LEDGER ACCOUNT	CURRENT YEAR REQUESTED BUDGET	CURRENT YTD GENERAL LEDGER	-% of Budget-	
4140 CREDIT CARD PROCESSING FEES	(500.00)	(539.97)	107.99%	
4681 CHARGES FOR STREET LIGHTS	173,000.00	65,573.31	37.90%	
4682 ST LIGHT O/M CHARGE	360.00	-	0.00%	
4683 STREET LIGHTING PENALTIES	5,400.00	2,420.51	44.82%	
4701 INTEREST ON INVESTMENTS	15,000.00	-	0.00%	
4684 PRIORITY STREET LIGHT		22,426.29	0.00%	
Grand Total	193,260.00	89,880.14		

EXPENSES				
BUSINESS UNIT	9603	STREET LIGHT UTILITY		
GENERAL LEDGER ACCOUNT	CURRENT YEAR REQUESTED BUDGET	CURRENT YTD GENERAL LEDGER	-% of Budget-	
6371 ELECTRIC UTILITIES	123,000.00	73,590.98	59.83%	
6489 OTHER CONTRACTED SERVICES	12,328.00	7,272.01	58.99%	
6722 DEPRECIATION	35,012.00	-	0.00%	
6820 OPERATING TRANSFERS TO OTHER F	15,000.00	-	0.00%	
Grand Total	185,340.00	80,862.99		

Note: The Finance Department has highlighted line items that may be trending towards exceeding budget OR not have been included in the adopted budget.

**CITY OF RAMSEY
FINANCIAL STATEMENT**



JANUARY 1, 2013 THROUGH PERIOD ENDING: September 30, 2013

REVENUES				
BUSINESS UNIT	9604	RECYCLING UTILITY		
GENERAL LEDGER ACCOUNT	CURRENT YEAR REQUESTED BUDGET	CURRENT YTD GENERAL LEDGER	-% of Budget-	
4140 CREDIT CARD PROCESSING FEES	(500.00)	(672.58)	134.52%	
4287 OTHER LOCAL GOVERNMENT GRANTS	71,505.00	71,505.00	100.00%	
4609 OTHER MISCELLANEOUS REVENUES	-	5,167.20	0.00%	
4671 RECYCLING CHARGES	287,000.00	144,968.92	50.51%	
4672 RECYCLING PENALTIES	8,200.00	3,680.66	44.89%	
4701 INTEREST ON INVESTMENTS	200.00	-	0.00%	
Grand Total	366,405.00	224,649.20		

EXPENSES				
BUSINESS UNIT	9604	RECYCLING UTILITY		
GENERAL LEDGER ACCOUNT	CURRENT YEAR REQUESTED BUDGET	CURRENT YTD GENERAL LEDGER	-% of Budget-	
6102 F.T. REGULAR-WAGES & SALARIES	5,343.00	3,409.55	63.81%	
6103 FULL TIME-REGULAR-OVERTIME	-	780.68	0.00%	
6121 PERA CONTRIBUTIONS	393.00	309.52	78.76%	
6122 FICA/MEDICARE CONTRIBUTIONS	423.00	287.33	67.93%	
6133 WORKERS COMP INSURANCE PREMIUM	93.00	-	0.00%	
6249 MISCELLANEOUS OPERATING SUPPLY	7,000.00	8,171.19	116.73%	
6322 POSTAGE	250.00	123.36	49.34%	
6489 OTHER CONTRACTED SERVICES	318,000.00	218,013.26	68.56%	
6820 OPERATING TRANSFERS TO OTHER F	9,000.00	-	0.00%	
Grand Total	340,502.00	231,094.89		

Note: The Finance Department has highlighted line items that may be trending towards exceeding budget OR not may not have been included in the adopted budget.

**CITY OF RAMSEY
FINANCIAL STATEMENT**



JANUARY 1, 2013 THROUGH PERIOD ENDING: September 30, 2013

REVENUES				
BUSINESS UNIT	9605	STORM WATER UTILITY		
GENERAL LEDGER ACCOUNT	CURRENT YEAR REQUESTED BUDGET	CURRENT YTD GENERAL LEDGER	-% of Budget-	
4140 CREDIT CARD PROCESSING FEES	(1,000.00)	(826.69)	82.67%	
4693 STORM WATER-RESIDENTIAL	321,920.00	165,314.23	51.35%	
4694 STORM WATER-COMMERCIAL	329,716.00	168,187.78	51.01%	
4695 STORM WATER-PENALTIES	19,549.00	7,149.31	36.57%	
4701 INTEREST ON INVESTMENTS	4,000.00	-	0.00%	
Grand Total	674,185.00	339,824.63		

EXPENSES				
BUSINESS UNIT	9605	STORM WATER UTILITY		
GENERAL LEDGER ACCOUNT	CURRENT YEAR REQUESTED BUDGET	CURRENT YTD GENERAL LEDGER	-% of Budget-	
6102 F.T. REGULAR-WAGES & SALARIES	107,882.00	10,542.80	9.77%	
6103 FULL TIME-REGULAR-OVERTIME	-	104.67	0.00%	
6105 TEMPORARY-WAGES & SALARIES	-	504.00	0.00%	
6121 PERA CONTRIBUTIONS	7,830.00	771.89	9.86%	
6122 FICA/MEDICARE CONTRIBUTIONS	8,214.00	804.61	9.80%	
6133 WORKERS COMP INSURANCE PREMIUM	2,923.00	-	0.00%	
6223 GASOLINE	1,500.00	137.00	9.13%	
6225 DIESEL FUEL	1,500.00	1,422.38	94.83%	
6249 MISCELLANEOUS OPERATING SUPPLY	10,000.00	5,423.45	54.23%	
6257 OTHER VEHICLE PARTS	5,000.00	4,234.76	84.70%	
6315 MISCELLANEOUS PROFESSIONAL SER	42,000.00	54,226.11	129.11%	
6361 GENERAL LIABILITY/PROPERTY INS	6,500.00	-	0.00%	
6371 ELECTRIC UTILITIES	2,420.00	1,789.80	73.96%	
6373 GAS	2,000.00	1,017.66	50.88%	
6374 REFUSE/RECYCLING	500.00	308.60	61.72%	
6451 MEMBERSHIP DUES	24,689.00	-	0.00%	
6489 OTHER CONTRACTED SERVICES	17,200.00	7,916.94	46.03%	
6722 DEPRECIATION	242,582.00	-	0.00%	
6820 OPERATING TRANSFERS TO OTHER F	24,000.00	-	0.00%	
Grand Total	506,740.00	89,204.67		

Note: The Finance Department has highlighted line items that may be trending towards exceeding budget OR not may not have been included in the adopted budget.

CC Regular Session

4.3.

Meeting Date: 10/22/2013

By: JoAnn Shaw, Community Development

Information

Title

Note the Following Boards and Commission Meeting Minutes:

Environmental Policy Board Meeting Minutes Dated August 26, 2013

Planning Commission Meeting Minutes Dated September 5, 2013

Park and Recreation Commission Meeting Minutes Dated September 12, 2013

Attachments

08.26.13 EPB

09.05.13 Planning Commission

09.12.13 Park Commission

Form Review

Inbox

Kurt Ulrich

Form Started By: JoAnn Shaw

Final Approval Date: 10/17/2013

Reviewed By

Kurt Ulrich

Date

10/17/2013 02:43 PM

Started On: 10/14/2013 08:59 AM

**ENVIRONMENTAL POLICY BOARD
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

On Monday, August 26, 2013, the Environmental Policy Board (EPB) met in the Rum River Conference Room at the Ramsey Municipal Center, 7550 Sunwood Drive N.W., Ramsey, Minnesota.

Members Present: Chairperson Michael Max
 Board Member Bob Bentz
 Board Member Michael Hiatt
 Board Member Michael Valentine

Members Absent: Board Member Larry Lewis
 Board Member Pendergast
 Board Member Thomas Stodola

Also Present: Associate Planner/Environmental Coordinator Chris Anderson
 City Council Liaison John LeTourneau

1. CALL TO ORDER

Chairperson Max called the meeting to order at 6:35 p.m.

2. CITIZEN INPUT

None.

3. APPROVE AGENDA

Motion by Board Member Valentine and seconded by Board Member Bentz to approve the agenda as submitted.

Motion carried. Voting Yes: Chairperson Max, Board Members Hiatt, Valentine and Bentz.
Voting No: None. Absent: Board Members Pendergast, Stodola, and Lewis.

4. APPROVE MINUTES

4.01: Approve Meeting Minutes Dated August 5, 2013

Motion by Board Member Bentz and seconded by Board Member Hiatt to approve the regular meeting minutes dated August 5, 2013.

Motion carried. Voting Yes: Chairperson Max, Board Members Bentz, Valentine and Hiatt.
Voting No: None. Absent: Board Members Pendergast, Stodola, and Lewis.

5. POLICY BOARD BUSINESS

5.01: Environmental Expo Update

Associate Planner/Environmental Coordinator Anderson presented the staff report.

Chairperson Max stated that Anoka Ramsey Farm and Garden was confirmed as an exhibitor and he was still waiting to hear from the USGS and Master Naturalists.

Board Member Hiatt review the Board's booth display for the expo event.

General discussion ensued about the display board.

There was consensus that the display was coming along very nicely.

Chairperson Max suggested that the mission statement of the Board be simplified, possibly using bullet points.

Board Member Hiatt stated that an aerial photo indicating the location of the two demonstration projects should be added to the display.

Associate Planner/Environmental Coordinator Anderson stated that he could put that together.

Board Member Bentz asked if there was any type of lock for the laptop during the expo event.

Associate Planner/Environmental Coordinator Anderson stated he would have to inquire about that but noted that a Board Member will always need to be at the booth to ensure that the laptop used for the survey does not disappear.

5.02: Consider Potential Stormwater Best Management Practices (BMPs) for Housing Assistance Policy

Associate Planner/Environmental Coordinator Anderson presented the staff report.

Associate Planner/Environmental Coordinator Anderson stated that certain actions could be covered by multiple topics, for instance, the use of native plantings could fall under stormwater as well as sustainable landscapes. He requested clarification from the Board about whether to include such an action under both, which would potentially allow double credit for a single action, or just place it under the most applicable category.

The Board stated that their preference would be just to assign it under the most applicable category.

Board Member Bentz inquired if the Housing Assistance Policy and the BMPs would be cross referenced to direct the reader to other chapters that may have similar information.

Associate Planner/Environmental Coordinator Anderson stated that he didn't think that would be necessary as the BMPs section would not be too lengthy and that it likely would be simpler just to glance through the information.

Chairperson Max stated that he thought a great future demonstration project would be to find a partner for a rainwater harvesting system.

General discussion ensued about various stormwater practices.

6. BOARD / STAFF INPUT

Associate Planner/Environmental Coordinator Anderson noted that ACE Solid Waste held their 3rd monthly recycling collection event at the Public Works site this past weekend. He stated that he did not have info tonnage or vehicle count info yet but did note that from the first to second event, traffic counts doubled and that leading up to the third event he had taken multiple phone calls from people with questions about the event.

Associate Planner/Environmental Coordinator Anderson stated that the City will be hosting the regular Fall Recycling Day event on Saturday, September 28.

Councilmember LeTourneau noted that there was going to be a public input meeting on September 16 about the upcoming Mississippi River Corridor Critical Area rulemaking process that the MN DNR is undertaking and encouraged the Board to attend if they were available.

Associate Planner/Environmental Coordinator Anderson stated that both the Board's Work Plan and EAB Management Plan were on tomorrow evening's City Council Consent Agenda.

7. ADJOURNMENT

Motion by Board Member Valentine and seconded by Board Member Hiatt to adjourn the meeting.

The meeting adjourned at 7:47 p.m.

Respectfully submitted,

Chris Anderson
Associate Planner/Environmental Coordinator

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, September 5, 2013, 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 Matthew Maul
 Commissioner Cindy Nosan
 Commissioner Gary VanScoy

Members Absent: None

Also Present: Development Services Manager Timothy Gladhill
 Associate Planner/Environmental Coordinator Chris Anderson

1. CALL TO ORDER

Chairperson Levine called the regular meeting to order at 7:00 p.m.

2. CITIZEN INPUT

Mary Weinhold, 5600 164th Lane NW, stated she had comments for Item 5.01 on the agenda.

Chairperson Levine recommended she hold her comments until the Commission reaches that item on the agenda.

3. APPROVAL OF AGENDA

Motion by Commissioner Field, seconded by Commissioner VanScoy, to approve the agenda as presented.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Field, VanScoy, Bauer, Brauer, Maul, and Nosan. Voting No: None. Absent: None.

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Meeting Minutes Dated August 1, 2013

Motion by Commissioner Bauer, seconded by Commissioner Nosan, to approve the following minutes as presented: Planning Commission Meeting Minutes dated April 4, 2013.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Nosan, Brauer, Field, Maul, and VanScoy. Voting No: None. Absent: None.

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: Public Hearing: Consider Request for a Home Occupation Permit for Matt's Plumbing Solutions Located at 5565 164th Avenue NW; Case of Matt Ariola

Public Hearing

Chairperson Levine called the public hearing to order at 7:02 p.m.

Presentation

Associate Planner/Environmental Coordinator Anderson presented the staff report noting the City learned of a home occupation based business being operated on the property located at 5565 164th Avenue NW by Matt Ariola through the code enforcement program. He noted the applicant owns and operates Matt's Plumbing Solutions out of a 1,596 square foot detached accessory building on the subject property and has three (3) non-resident employees. City Code stated that on properties less than three acres, there shall be no more than one (1) non-resident employee that works on the subject property. The applicant has one employee that works onsite and two plumbers that do not work on the subject property, but visit the site several times each week.

Associate Planner/Environmental Coordinator Anderson explained a site visit of this property was completed in August and there were 14 items stored outside. This number far exceeds the amount allowed within City Code. In addition, a class five driveway was installed without the issuance of a permit. It was noted there was a Quonset style detached accessory building on the property that also required a building permit and there is no evidence of a permit for this structure.

Associate Planner/Environmental Coordinator Anderson stated the concerns identified for this property could be easily corrected by the applicant in order to bring the property into compliance with the overall allowed number of outside items, being eight. He explained business owners are allowed to bring home their commercial work vehicles so long as they are parked in the side or rear yard on an improved surface, and need to be screened to a degree of 50% from adjacent properties. He indicated the property was heavily wooded to the west and north.

Associate Planner/Environmental Coordinator Anderson commented that noise concerns have been brought to the City regarding this property. It was his understanding that no pipe was being

cut onsite, unless it was of a flexible nature. It was staff's opinion that the concerns on the site would be resolved in a timely manner and for that reason, staff recommended approval of the home occupation permit.

Citizen Input

Mary Weinhold, 5600 164th Lane NW, read a letter to the Commission stating she moved to Ramsey 35 years ago to be in a peaceful neighborhood. She requested her neighboring property remain compatible with her residential property. She wanted to be assured her property value would be maintained and recommended the outdoor storage issues at her neighbors property be addressed. She suggested that her neighbor not be allowed to cut pipe onsite unless indoors.

Barry Deline, 16326 Germanium Street NW, expressed frustration that he has not heard from his neighbor about the activity that has been taking place on his property.

Mike Jensen, 5610 164th Lane, did not feel an industrial business was appropriate in his residential neighborhood. He indicated Mr. Ariola put in a Class 5 driveway without City approval and stores a great deal of material outdoors, which devalues all adjacent property. He commented there was over 20 commercial/industrial properties available in Ramsey for Mr. Ariola to relocate his business. He expressed concern with the grinding and cutting noises that come from the neighboring property. He recommended the Commission not allow this business to continue.

Sandy Jensen, 5610 164th Lane, stated she just retired in April and has become frustrated with the noise generated from her neighbors' property on a daily basis.

Michelle Ariola, 5565 164th Avenue NW, commented she moved to this property several years ago and has two children that play outside daily. She explained that some of the noise the neighbors have complained about was from her pressure washing her driveway and retaining walls. She noted that she drives a diesel vehicle and this was unrelated to the work vehicles on their property. She stated that pipe cutting does not take place onsite. She reported the beeping on her husband's vehicles has been turned off.

Matt Ariola, 5565 164th Avenue NW, indicated no plumbing work takes place onsite, except for the cutting of plastic pipes. He stated that all work was completed off the property. He commented that he does use a chainsaw on occasion to cut wood, which his family burns in their home.

Ms. Ariola discussed the concerns with the storage items. She indicated the fish house, four wheelers and snowmobiles would now be stored at that location. She reported they were planning to build a fence from the front of the garage to the property line to assist with screening the property. Ms. Ariola explained she and her husband planned on pulling building permits as was necessary and apologized for the driveway.

Ms. Ariola indicated there was a great deal of noise in the neighborhood that was not generated from their property. She explained she has been trying to appease the neighbors by not burning wood and turning off lights, but issues continue to arise.

Commissioner Bauer recommended the reverse alarm be reengaged for safety reasons.

Mr. Ariola stated it was his understanding it was not illegal to disengage the backup alarm. He explained one of his large box trucks came without an alarm and he had no problem keeping it off for the benefit of his neighbors.

Commissioner VanScoy asked what kind of plumbing material was stored onsite.

Mr. Ariola stated PVC piping was stored in the Quonset, along with overflow items from time to time. He indicated all appliances were purchased when needed and were not stored onsite. He noted old water heaters were stored onsite occasionally.

Commissioner VanScoy inquired if the vehicle parking area was Class 5.

Mr. Ariola stated this was the case.

Commissioner Field questioned how long Mr. Ariola had been in the plumbing business.

Mr. Ariola reported he had been in this business for the last 4 ½ years and moved to the City of Ramsey 2 ½ years ago.

Commissioner Field discussed the noise concerns from the Ariola property. He reviewed the Zoning Code regarding home occupations and noted the language does state the peace, quiet and domestic tranquility was to be protected. He asked how the applicant could address the noise concerns.

Mr. Ariola commented he would investigate the backup alarm situation to assure he was in compliance. He reported that no pipe cutting was taking place onsite. He stated he ran a leaf blower and mower in the evening hours several times a week. He expressed frustration that all of the noise generated from his property was being lumped into business noise, when the majority of the traffic and noise was personal activities.

Associate Planner/Environmental Coordinator Anderson stated he has heard noise complaints from neighbors and has heard the explanation from the Ariolas. He suggested a condition be written into the home occupation permit that would address the acceptable noise levels in a residential property, along with the off-street parking language.

Commissioner Nosan inquired how many company vehicles Mr. Ariola had.

Mr. Ariola explained for business purposes he had an E-350 cube van, an F-450 diesel truck, and an S-10 truck. He reported he personally owned a 2500 Chevy pickup.

Commissioner Nosan commented she lived in that neighborhood for 12 years and expressed concern that a business was operating out of this neighborhood. She recommended Mr. Ariola more closely abide by the home occupation rules set forth by the City.

Ms. Jensen understood the noise generated by leaf blowers and mowers. However, the sound coming from her neighbors was something else.

Ms. Weinhold expressed concern with the bobcat and skid steer that were parked near the shop on her neighbors property. She explained she could see this equipment from her dining room window. She thanked Mr. Ariola for moving the equipment stating the visual sight lines on the property was greatly improved.

Mr. Ariola indicated it was his intention to keep the bobcat and skid steer inside the shop unless they were in use or being cleaned.

Commissioner Bauer stated the recommended home occupation permit notes the business hours would be Monday through Friday from 8:00 a.m. to 4:00 p.m. He asked if Mr. Ariola could be compliant with these hours.

Mr. Ariola stated he would be able to make adjustments to operate his business within these hours Monday through Friday.

Commissioner Brauer asked how many vehicles were onsite during the site visit in August.

Associate Planner/Environmental Coordinator Anderson explained there were six vehicles onsite along with other personal and business equipment. He discussed the other items found onsite noting many were personal items that would be removed and stored offsite. He commented the applicant would have to remove a number of items from the property in order to remain in compliance with the off street parking regulations.

Commissioner Brauer inquired how the City would enforce the home occupation permit, if it were approved this evening.

Associate Planner/Environmental Coordinator Anderson indicated the last condition in the home occupation permit was to allow for annual compliance checks. This could be done on a quarterly basis if there was a concern. He then discussed the revocation process.

Commissioner Field reviewed the nuisance prevention language within the home occupation permit. He requested further information from staff on this matter.

Associate Planner/Environmental Coordinator Anderson stated the Commission could draft reasonable conditions to address any potential nuisance concerns for the home occupation.

Commissioner VanScoy was pleased that the applicant was already addressing the concerns of the neighbors. He asked if Mr. Ariola had any other concerns with the conditions written into the home occupation permit.

Mr. Ariola explained at times he used the business equipment for personal use, such as pushing snow out of his driveway or leveling his property with the bobcat. He questioned if this would be allowed, if not done during business hours. He stated he was having difficulty understanding how to separate the use of his business equipment on his personal property.

Associate Planner/Environmental Coordinator Anderson indicated Code does not prohibit the use of private property for home improvement projects. He suggested the applicant make the City aware of potential future projects.

Development Services Manager Gladhill recommended the public hearing be closed at this time.

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

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, VanScoy, Brauer, Field, Maul, and Nosan. Voting No: None. Absent: None.

Chairperson Levine closed the public hearing closed at 8:06 p.m.

Commission Business

Development Services Manager Gladhill summarized the findings and concerns expressed by the adjacent property owners during the public hearing in detail with the Commission. These findings will be included in the findings of fact forwarded to the City Council. Some of these findings are already included. In these instances, the findings will be combined. In cases where conflicts occur, the following findings entered into record shall replace the current draft.

Development Services Manager Gladhill indicated the City must react to evidence available at this time, and rely on our code enforcement procedures if violations are confirmed in the future. There are clearly some corrections to the existing business operation that must be completed before final approval by the City Council.

Development Services Manager Gladhill noted adjacent property owners have expressed noise concerns. He reported the City will monitor to ensure compliance with City Code Section 30-3 and will act upon evidence provided if violations are confirmed.

Development Services Manager Gladhill reported adjacent property owners have expressed concern with safety device for rear movements on commercial vehicles. He indicated the City cannot require the disconnection for certain vehicles and the applicant shall provide evidence of compliance with State of Minnesota vehicle regulations.

Development Services Manager Gladhill stated adjacent property owners have expressed concern with pipe cutting. The City finds that this activity is a nuisance to adjoining property owners and shall not occur.

Development Services Manager Gladhill noted adjacent property owners have expressed concern with reasonable hours of operation. He referred the Commission to Draft Permit Item #3.

Development Services Manager Gladhill indicated adjacent property owners have expressed concern with the accessory structure. He reported the applicant must prove compliance with City Code regulations prior to City Council approval.

Development Services Manager Gladhill commented adjacent property owners have expressed concern with monitoring compliance. He stated annual inspections would be completed or upon complaint.

Development Services Manager Gladhill reported adjacent property owners have expressed concern with skid rollers and backhoes on streets. He indicated the applicant must be in compliance with City Code for both off-street and on-street parking and traffic regulations.

Development Services Manager Gladhill stated adjacent property owners have expressed concern with this being an industrial business. This is actually commercial. He explained City Code does provide for approval of home based businesses in residential neighborhoods known as home occupations per City Code Section 117-351. Industrial businesses are defined by Section 117-1. This use does not fit that definition.

Development Services Manager Gladhill noted adjacent property owners have expressed concern with property values. He explained the City does not have sufficient evidence at this point to indicate a reduction in property values.

Development Services Manager Gladhill indicated adjacent property owners have expressed concern with permits not previously granted. He commented the City must act on the information provided to us and rely on code enforcement procedures and the applicant shall secure proper permits for all existing and future structure as required.

Development Services Manager Gladhill reported the applicant has stated that water heaters are brought to the Subject Property. The Applicant had indicated that some water heaters would be stored indoors and the City does not support this activity.

Development Services Manager Gladhill stated adjacent property owners have expressed concern with commercial equipment west of the accessory structure. He explained this equipment shall be screened in accordance with City Code Section 117-355 or be stored indoors. This standard shall be added to the permit requirements as well.

Development Services Manager Gladhill noted adjacent property owners have expressed concern with smoke encroaching to adjoining properties. This issue was not related to the home occupation, however shall be in accordance with fire code standards.

Development Services Manager Gladhill explained adjacent property owners have expressed concern with the number of items on the Subject Property. It was noted the applicant must remain in compliance with City Code Section 117-355 related to number of items. He reported the City can attach reasonable conditions to mitigate concerns with compatibility. In addition, the City can attach additional reasonable conditions per City Code Section 117-351 Subd. 4 provided that there is a reasonable nexus between the standard and the activity.

Development Services Manager Gladhill reported the Applicant has stated that some of the equipment is used for activities accessory to normal residential settings. This use must be in compliance with Section 117-111(R-1 Residential [MUSA] District).

Commissioner Brauer commented in 15 years, he had never seen an applicant come before the Commission with such a high number of violations. He questioned how this item could proceed as the occupation and residential uses were tangled together.

Development Services Manager Gladhill recommended the Commission be very specific on the conditions within the permit. In addition, staff would be inspecting the site prior to City Council approval to assure that the site was in compliance. This would assure the proper level of use was being met by the applicant. If there was evidence that the standards were not being met, a revocation process would begin.

Commissioner Bauer encouraged the Commission to be very clear on the issues at hand as some of the findings discussed this evening had nothing to do with the home occupation.

Associate Planner/Environmental Coordinator Anderson stated storage was taking place within the Quonset and this issue would have to be addressed.

Commissioner Bauer explained the Quonset building was on the property prior to the Ariola family moving to the site.

Associate Planner/Environmental Coordinator Anderson stated this was the case. He reported the City had no record of a permit for the Quonset structure or for the modifications made by the Ariola family.

Commissioner Brauer reiterated that the property had seven violations at this time.

Development Services Manager Gladhill commented the applicant should be allowed to correct these violations and this situation would be monitored by the City.

Commissioner VanScoy questioned why the smoke issue needed to be addressed this evening, since the Ariola family ceased outdoor burning after a request was made by their neighbor. He stated this was a normal neighborhood activity.

Development Services Manager Gladhill commented he did not have concerns with the outdoor fires. He explained the Commission simply had to note the comment expressed by the neighbors.

Commissioner Field agreed with Commissioner VanScoy that the fire burning was a residential issue and not a home occupation issue. He stated he was impressed by the applicant's willingness to address his neighbors concerns. He encouraged Mr. Ariola to reach out to his neighbors in the future to discuss the plans he has for his property, as this would eliminate some of the animosity. He recommended the fencing be pursued by the applicant.

Development Services Manager Gladhill stated an alternative that could be considered this evening would be to direct staff to redraft clear findings.

Commissioner Bauer recommended the item proceed and that the permit be granted only after the property was brought into compliance with City Code and the staff recommended conditions.

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #13-09-148 adopting the Findings of Fact #0917 as amended by Senior Gladhill's summarized comments relating to the applicant's request for a home occupation permit as outlined by Staff.

Further discussion

Commissioner Brauer was in favor of delaying action on this item until the findings could be redrafted.

Commissioner VanScoy asked for clarification on the storage of water heaters on the property.

Associate Planner/Environmental Coordinator Anderson indicated that based on the discussion this evening with the applicant, up to four water heaters have been stored on the site just outside the accessory structure.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, VanScoy, Brauer, Field, Maul, and Nosan. Voting No: None. Absent: None.

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #13-09-149 approving a home occupation permit to operate a plumbing business on the property located at 5565 164th Avenue NW based on the amended Findings of Fact #0917 contingent upon compliance with the Staff Report dated August 29, 2013 and only after Conditions 1, 2 and 3 were met by the applicant.

Further discussion

Commissioner Brauer offered a friendly amendment requiring the applicant to screen the business materials instead of requiring fencing.

Commissioners Bauer and VanScoy accepted the friendly amendment to Condition 3 requiring the applicant screen the business materials.

Commissioner Brauer recommended the home occupation permit requirements only apply to business related vehicles and equipment.

Commissioners Bauer and VanScoy accepted this friendly amendment to Condition 3 noting that the home occupation permit will apply only to business related vehicles and equipment.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, VanScoy, Brauer, Field, Maul, and Nosan. Voting No: None. Absent: None.

5.02: Public Hearing: Consideration Resolution #13-09-150 Granting Amendment to Planned Unit Development Approval of Town Center Gardens Third Addition

Public Hearing

Chairperson Levine called the public hearing to order at 8:40 p.m.

Presentation

Development Services Manager Gladhill presented the staff report noting on April 12, 2005 the Council granted preliminary plat approval to Town Center Gardens Third Addition. The Final Plat was approved on August 9, 2005. The plat was approved as a Planned Unit Development (PUD). He explained the City has received a building permit application for a single-family dwelling that deviates from the original site plan approval. While staff does not object to approving the model, it does not appear that the PUD approval gave sufficient administrative capacity to approve this split entry model without an amendment to the PUD. Staff recommends approval of the amendment, consistent with the proposed findings.

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, Maul, Nosan, and VanScoy. Voting No: None. Absent: None.

Chairperson Levine closed the public hearing closed at 8:44 p.m.

Commission Business

Commissioner VanScoy asked how many homes would be affected by the new home style. He questioned why the applicant was making a change at this time.

Development Services Manager Gladhill explained there were eight remaining lots that would be affected. He noted the housing market has changed, along with the builder.

Commissioner VanScoy expressed frustration that the developer was requesting to vary the home style at this time because this would change the nature of the neighborhood.

Development Services Manager Gladhill stated he was trying to work with the property owner on this issue to resolve the requirements within the PUD. He explained that all future PUD's would have more clearly defined design frameworks.

Commissioner VanScoy did not understand how the single-family home models within the neighborhood should be allowed to be changed.

Development Services Manager Gladhill stated this could only be done through the PUD amendment process. He then reviewed the location of the eight lots within Town Center Gardens Third Addition. It was noted the lots were interspersed within the development.

Chairperson Levine stated the adjustment was necessary in order to get the final lots developed.

Commissioner VanScoy asked if any architectural standards should be attached to the PUD amendment.

Chairperson Levine did not see the need for this as the original PUD did not include architectural standards.

Commissioner VanScoy stated he would not be able to support the PUD Amendment request.

Commissioner Field indicated there were no homeowners present this evening objecting to the modified home-style amendment to the PUD. For this reason, he recommended the amendment proceed.

Commissioner Brauer agreed.

Motion by Commissioner Bauer, seconded by Commissioner Nosan, to recommend that City Council adopt Resolution #13-09-150 granting Planned Unit Development Amendment for Town Center Gardens Third Addition.

Further discussion

Commissioner VanScoy explained the original intent and character of the neighborhood was to have front porches on each home. He did not want to see the new homes deviate from the original plans.

Commissioner Brauer asked if the new builder had to be held to the original standards.

Development Services Manager Gladhill commented the legal documents do not require front porches or full two-story homes. All that was in the file was three approved home models.

Motion by Commissioner Field, seconded by Commissioner Bauer, to Call the Question.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Field, Bauer, Brauer, Maul, Nosan and VanScoy. Voting No: None. Absent: None.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Nosan, Brauer, Field, and Maul. Voting No: VanScoy. Absent: None.

5.03: For Discussion Only: Review Concept Plan for Rum River Hills Housing Development

Presentation

Development Services Manager Gladhill presented the staff report stating the City received a request from Rum River Hills Golf Course to review a concept plan to introduce housing units on the golf course property. Based on the current concept plan, there would be approximately 72 housing units created. Two golf course holes would be impacted, but the overall primary use as a golf course would remain. Staff requested the Commission discuss this item be further and provide staff with feedback on the concept plan.

Commission Business

Tom Anderson, 16831 Helium Street, discussed the concept plan proposed by the Rum River Hills Golf Course in further detail with the Commission. He indicated the motivation behind this project was to make the golf course financially viable while also reviving the commercial node in the area.

Chairperson Levine questioned how many units the golf course was proposing.

Mr. Anderson stated originally he was proposing unattached townhomes, which would create 71 units. However, with the water tower property and an adjacent 25 acres, additional units would be combined into this project. He anticipated as many as 200 to 225 units could be completed.

Chairperson Levine stated this number of new residential units would positively impact the commercial node.

Development Services Manager Gladhill explained the proposed number of units within the Concept Plan for the Rum River Hills Housing Development would require public involvement.

Chairperson Levine questioned what action the Commission needed to take this evening.

Development Services Manager Gladhill commented staff was looking for feedback on the concept of residential homes in this area.

Commissioner Maul supported additional residential units in this area.

Commissioner Bauer agreed stating the new residential units would assist with invigorating the adjacent commercial properties.

Chairperson Levine also supported the concept. Further discussion ensued regarding the style and type of units proposed for the area.

Dick Tollette, 16903 Iodine Street NW commented the best market at this time was those in their late forties or early fifties. The townhome units would pull residents to Ramsey while not requiring the aging population to move out of the community.

Commissioner Field asked how the golf course property would be developed.

Mr. Anderson stated he would be working in conjunction with the developer to assure the units were high quality.

Commissioner Nosan appreciated the vision of the golf course stating it would allow residents in Ramsey to age within the community while developing further property in the City.

Commissioner Field questioned how the area would be serviced.

Development Services Manager Gladhill indicated the concept plan did show sanitary sewer and water. He stated trunk water lines were in place adjacent to Quicksilver Street NW. He noted sanitary sewer would be a different situation as the closest lines were at Alpine Drive.

Chairperson Levine summarized that the Commission fully supported the proposed concept plan and looked forward to hearing more on the proposed development.

5.04: Review Calendar Upcoming Public Process Related to Land Use Review

Presentation

Development Services Manager Gladhill presented the staff report stating the Minnesota Department of Transportation (Mn/DOT) is preparing an Access Planning Study for the Highway 10 Corridor in the cities of Ramsey and Anoka. He commented the first meeting would be held on Thursday, September 12, 2013 at 6:00 p.m. at the Alexander Ramsey Room.

Development Services Manager Gladhill indicated another meeting regarding the Mississippi River Corridor Critical Area (MRCCA/Critical Area) Pre-Process Public Collaborative Process

was scheduled by staff with the DNR and would be held on Monday, September 16, 2013 at 6:00 p.m. at the Alexander Ramsey Room.

Development Services Manager Gladhill explained a public collaborative process would begin regarding the 167th Avenue Node Future Land Use. The first meeting would be held on Thursday, September 26, 2013 at 6:00 p.m. in the Alexander Ramsey Room. Invites would be sent out later this week.

5.05: Staff Update

Development Services Manager Gladhill provided the Commission with a Staff Update.

5.06: Zoning Bulletins

Zoning Bulletins were noted.

6. COMMISSION / STAFF INPUT

None.

7. ADJOURNMENT

Motion by Commissioner Nosan, seconded by Commissioner Maul, to adjourn the meeting.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Nosan, Maul, Bauer, Brauer, Field, and VanScoy. Voting No: None. Absent: None.

The regular meeting of the Planning Commission adjourned at 9:55 p.m.

Respectfully submitted,

Tim Gladhill
Development Services Manager

ATTEST:

JoAnn Shaw
Planning Division Secretary

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.

**PARK AND RECREATION COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey Park and Recreation Commission conducted a regular meeting on September 12, 2013 at The Draw, 7401 E. Ramsey Parkway NW, Ramsey, Minnesota.

Commission Members Present: Chairperson Angela Olsen
 Vice Chair Shane Bennett
 Commissioner Bridgett Barr
 Commissioner Richard Chubb
 Commissioner Andrew Fyten
 Commissioner Thomas Mobry

Commission Members Absent: Commissioner David Minke (excused)

Also Present: Parks & Assistant Public Works Superintendent Mark Riverblood

1. CALL TO ORDER

Chairperson Olsen called the Park and Recreation Commission meeting to order at 7:30 p.m.

2. CITIZEN INPUT

None.

3. APPROVE AGENDA

Motion by Commissioner Fyten, seconded by Commissioner Bennett, to approve the Park and Recreation Commission meeting agenda as presented.

Motion carried. Voting Yes: Chairperson Olsen, Commissioners Fyten, Bennett, Barr, Chubb, and Mobry. No: None. Absent: Commissioner Minke

4. APPROVE MINUTES

4.01: Approve Park and Recreation Commission Meeting Minutes dated August 8, 2013

Motion by Commissioner Mobry, seconded by Commissioner Barr, to approve the following Park and Recreation Commission Regular Meeting Minutes:

- 1) Park and Recreation Commission Regular Meeting Minutes dated August 8, 2013.

Motion carried. Voting Yes: Chairperson Olsen, Commissioners Mobry, Barr, Bennett, Chubb, Fyten, and Mobry. No: None. Absent: Commissioner Minke.

5. COMMISSION BUSINESS

5.01: Recommend Approval for Elmcrest Park’s Community Building

Parks & Assistant Public Works Superintendent Riverblood reviewed for the past five months, the City Council, the Commission, Anoka Ramsey Athletic Association, NorthernLights Traveling Soccer, Staff and the Community have been planning for the park building at Elmcrest Park. The purpose of this case is to recommend to City Council a not-to-exceed amount from the Park Trust Fund to authorize construction of the park building.

Parks & Assistant Public Works Superintendent Riverblood provided an elevation rendering, August cost estimate and update from Studio 55 Architects and Preliminary Plan Sheets (five). He distributed additional information at the meeting.

Parks & Assistant Public Works Superintendent Riverblood noted if this project is approved at the City Council’s September 24th meeting, the intention would be to have the footings and concrete done yet this fall, such that walls and roofing could immediately follow – with construction continuing throughout the winter. Ideally, the building would be functionally complete for the 2014 spring athletic season.

The funding would be from the Park Trust Fund, which had a 2013 beginning-year balance of approximately \$2.6 Million dollars. The project costs at this time appears to be:

Construction cost + construction manager + architectural fees	\$636,650
Septic	20,000
Watermain, repaving and curb and gutter	20,000
Engineering and surveying (if not performed in-house)	8,000

Staff recommends proceeding with the building construction by recommending Commission and City Council approvals at a not-to-exceed cost of \$685,000.

Mr. Bruce Bissonnette, Studio 55 Architects, was present at the meeting.

Commissioner Barr thanked Mr. Bissonnette for listening to the Commission’s suggestions when completing the plan.

Motion by Commissioner Bennett, seconded by Commissioner Barr, to recommend to the City Council approval of a not-to-exceed amount of \$685,000 from the Park Trust Fund for Elmcrest Park’s Community Building.

Motion carried. Voting Yes: Chairperson Olsen, Commissioners Bennett, Barr, Chub, Fyten, and Mobry. No: None. Absent: Commissioner Minke.

6. COMMISSION/STAFF INPUT

Councilmember Chris Riley complimented the Commission on their work at this evening's Park Patron Picnic.


7. ADJOURNMENT

Motion by Commissioner Chubb, seconded by Commissioner Bennett, to adjourn the meeting.

Motion carried. Voting Yes: Chairperson Olsen, Commissioners Chubb, Bennett, Barr, Fyten, and Mobry. No: None. Absent: Commissioner Minke.

The Park and Recreation Commission meeting adjourned at 7:45 p.m.

Respectfully submitted,



Mark Riverblood
Parks & Assistant Public Works Superintendent

Drafted by Debbie Wolfe
TimeSaver Off Site Secretarial, Inc.

CC Regular Session

4. 4.

Meeting Date: 10/22/2013

By: Jo Thieling, Administrative Services

Information

Title

Approve the Following Meeting Minutes:

1. City Council Work Session - October 8, 2013
2. City Council Regular - October 8, 2013

Purpose/Background:

The meeting minutes for Council review and approval are attached.

Action:

Motion to approve the following meeting minutes:

1. City Council Work Session - October 8,
 2. City Council Regular - October 8, 2013
-

Attachments

[CCWS Mts 100813](#)

[CC Mts 100813](#)

Form Review

Inbox

Kurt Ulrich

Form Started By: Jo Thieling

Final Approval Date: 10/17/2013

Reviewed By

Kurt Ulrich

Date

10/17/2013 02:50 PM

Started On: 10/17/2013 12:51 PM

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

The Ramsey City Council conducted a City Council Work Session on Tuesday, October 8, 2013, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Sarah Strommen
Councilmember Randy Backous
Councilmember Jill Johns
Councilmember Mark Kuzma (arrived at 5:58 p.m.)
Councilmember John LeTourneau
Councilmember Jason Tossey (arrived at 6:07 p.m.)

Members Absent: Councilmember Chris Riley

Also Present: City Administrator Kurtis Ulrich
Finance Director Diana Lund
Fire Chief Dean Kapler
Public Works Superintendent Grant Riemer
Development Services Manager Timothy Gladhill
Assistant to the City Administrator Patrick Brama

1. CALL TO ORDER

Mayor Strommen called the City Council Work Session to order at 5:49 p.m.

2. TOPICS FOR DISCUSSION

2.01: Discussion on Next Steps of Fire Station #2 Replacement

Fire Chief Kapler reviewed the staff report and past work of BKV, such as designing the current building and providing recommendations on how to use the old City Hall once we moved to the new Municipal Center. Fire Chief Kapler explained how a 4.2-acre site was acquired that would be an excellent location for Fire Station #2, and that a site analysis was undertaken by BKV. Fire Chief Kapler stated a process is still underway in how to use the old City Hall site and consideration tonight is whether to consider a parallel path to also move forward with construction of Fire Station #2.

Bruce Schwartzman, architect with BKV, stated in 2011 he worked with the Fire Chief and City staff to analyze the subject site at the corner of Helium Street and Alpine Drive to determine if the site would accommodate a fire station. He displayed an aerial view of the subject site and explained how they conducted a program analysis of type and size of equipment and training and office space needs, so the station could be designed to uniquely fit the City's needs. Mr. Schwartzman stated they calculated a conceptual square footage need of 12,000 sq. ft. and then

considered whether it would fit on this site. Mr. Schwartzman explained that placing the building pad is then considered to assure adequate turning movements for the largest piece of equipment, in this case the aerial ladder truck. He presented a two-story (more expensive) and a single-story (more efficient) application and floor plan layout. Preliminary cost estimates were then determined for hard and soft costs. Mr. Schwartzman presented the updated proposed schedule that included the steps involved to design a project and how long each step would take. He stated they typically tour newer fire stations as a group to determine what does and does not work well.

Councilmember Kuzma arrived at 5:58 p.m.

Mr. Schwartzman completed an explanation of the steps contained in the schedule, noting with each step a cost estimate is calculated to assure it remains within what has been approved by the Council. He estimated eight to ten months of construction, meaning if approved in October of 2013 and bid next summer, Fire Station #2 would be completed the summer of 2015. Mr. Schwartzman stated next steps at this point are to finalize purchase of the property (already completed), complete a site survey, conduct geotechnical borings of the site, finalize architectural and engineering contract and project schedule, research zoning and planning requirements, design and client team kick-off meeting, and schematic design phase and cost estimates. Mr. Schwartzman displayed and described diagrams of the Rochester fire station and process used by that city.

City Administrator Ulrich stated staff recommends retaining BKV, moving to the schematic design phase, and to negotiate the fee for that, which is estimated at \$20,000. He stated a schematic design should be good for five years so it could be held off for budget reasons or the sale of the old City Hall property, if applicable. City Administrator Ulrich stated another option is to go out for RFPs; however, it would cost additional for staff time. He asked for Council feedback on whether they were comfortable with using BKV as the architect and the next steps.

Councilmember Tossey arrived at 6:07 p.m.

Councilmember LeTourneau stated he understands Fire Station #2 is in the CIP and anticipated in the 2014 budget and asked what is the actual need, and why now.

Fire Chief Kapler stated a new fire station has been in the CIP but pushed out as the decision process has been underway. He stated it was discussed when the City moved out of the old City Hall but it did not seem like the right time to do it. Fire Chief Kapler stated the existing building no longer serves the needs of the Fire Department and is not efficient.

Mr. Schwartzman stated if the new fire station is not available, it may hold up the sale or use of the old City Hall.

Councilmember LeTourneau stated he is trying to tie it into public safety and need of the community and not tie it into future use of the City Hall site.

Fire Chief Kapler stated staff has researched the best location for the new fire station and believe the property the City owns is the best location related to north/south and east/west routes. In addition, he does not believe the City's Fire Department will become full time any time soon and this is a good location to pull fire fighters.

Councilmember LeTourneau stated he thinks there would be a need for a new fire station based on the need of public safety and that consideration is unrelated to whether to sell the old City Hall property or its future use.

Mayor Strommen stated another issue is that the Fire Department is located within the old City Hall, which impacts its future use.

City Administrator Ulrich stated when this process was started, all the options were considered and that included a remodel of the City Hall. He stated the old City Hall sits in the middle of a 17-acre parcel and it was found that in the long run, it was more cost effective to relocate the fire station to the property the City owns.

Councilmember LeTourneau stated he heard comments that the City was considering a data center to pay for a new fire station but he thinks Fire Station #2 is needed to serve public safety.

Fire Chief Kapler clarified that the discussion of moving the fire station location started long before the option of a data center came up.

Councilmember Kuzma asked if the cities considering shared fire services will contribute to the cost of a new fire station.

Fire Chief Kapler stated anything is possible and cost-share models are currently under review. He stated the issues of who owns buildings, equipment, and pays for maintenance is an issue in how to divide costs equitably between all members that consolidate. He stated he will bring that issue before the Study Group for discussion.

City Administrator Ulrich stated the timing should also be flexible because the next six months to a year will involve an in-depth analysis of shared fire services.

Mayor Strommen stated that is a broader discussion of how costs are allocated for operations as well as building and equipment, which should play out in the Study Group.

Fire Chief Kapler stated with this consolidation, the question of whether Ramsey needs to rebuild comes up. He stated the consultant hired in 2013 and the ISO agent were contacted and the consultant thought the City's four fire stations were the right number and in the right location considering the four communities under discussion for joint services. Apparatus within the stations is different because two of the communities feel they have more apparatus than needed.

Councilmember Backous asked if the old City Hall property has a posted "For Sale" sign.

City Administrator Ulrich stated it does not. He explained that in November and December, staff will be meeting with neighboring residents to discuss future property use for the old City Hall site. But, that property could be placed with the broker if so directed by the Council.

Councilmember Tossey stated he does not think asking other communities to subsidize a fire station will encourage them to enter into a long-term relationship for shared fire services. He stated Corcoran is already out so he would be cautious in how that issue is approached.

Mayor Strommen asked whether the Council supports staff's recommendation.

Councilmember Johns stated support for staff's recommendation.

Councilmember LeTourneau stated he appreciates Mr. Schwartzman's participation and suggested that relationship continue with BKV to deliver this project.

Councilmember Tossey stated he wants to be cautious in a new endeavor that will cost the City more money in light of a possible tax increase. He stated when the bonds come off for Fire Station #1, it may be an opportunity to lower taxes instead of starting to pay for a new fire station.

Mayor Strommen stated the schematic design will have a shelf life of five years so moving forward with that step will allow the City to be ready but not require immediate construction.

Mr. Schwartzman stated there may be code or material changes, depending on the time elapsed.

Councilmember Backous stated he is not supporting stopping the process but would feel better if the land was sold and then the City would have the cash in hand. He stated support to place the old City Hall site with a broker so it can be sold.

Fire Chief Kapler noted the fire station is currently located in the old City Hall and there is a process to complete Fire Station #2 that will take time.

Councilmember Tossey stated he agrees the property should be sold, but the issue of zoning has to be resolved first.

City Administrator Ulrich agreed and noted when sold, the first thing someone will ask is what can be done on the site so the public process relating to use of the site needs to be completed.

Mayor Strommen supported moving both the design step and public process forward at the same time. She stated she is comfortable continuing to work with BKV and to have staff vet costs to be sure BKV's cost is competitive.

City Administrator Ulrich agreed it is prudent to not move ahead until the old City Hall site is sold but with the Fire Station #2 plans in place, the City would be able to quickly move forward, if needed.

Councilmember Backous asked if Fire Chief Kapler is moving forward with alternative plans for a temporary location.

Fire Chief Kapler stated there are options, but not great options, to find a temporary location.

City Administrator Ulrich stated staff has looked at scenarios for the fire station to move out quickly should a purchase offer be received.

The majority consensus of the Council was to move forward with staff's recommendation to retain BKV, move to the schematic design phase, and to negotiate the fee for that, which is estimated at \$20,000.

2.02: Review Proposal for Resident Survey

City Administrator Ulrich reviewed the staff report and presented a proposal and prototype survey from The Morris Leatherman Company to conduct a community survey. It was noted that \$7,500 is budgeted in the General Fund for 2014, there are State grant funds of \$3,400, and questions relating to utilities can be charged to that fund. He explained staff would like to discuss the merits of moving forward with a survey in 2013 to allow for a baseline of information to be used for strategic planning in early 2014. If conducted in 2013, the cost of the survey can be funded by Enterprise Funds, Council contingency, and State grant funds. City Administrator Ulrich reviewed options to reduce the survey cost by reducing the number of questions and indicated staff could obtain quotes or a mailed/newsletter survey could also be considered though it could involve more staff time and may not result in receiving comment from a cross section of Ramsey's residents. He asked for the Council's input whether to conduct the survey in 2013 or in 2014.

Councilmember Kuzma supported pushing out the timing for the survey because there is currently a lot of disinformation in the community. He would like the issues currently under discussion to be settled before conducting a survey.

Councilmember Tossey suggested the "survey" be the 2014 election and stated he would prefer doing it by initiative referendum or the City's representatives. He stated he thinks residents are using the survey on him so he would not support conducting a survey as a priority because residents are already engaged.

Mayor Strommen asked if the City has ever conducted a survey that is not issue specific but more broad in nature relating to City services.

City Administrator Ulrich stated there has not been such a professional survey to his knowledge.

Councilmember Johns stated depending on the thrust of the survey, it could be valuable as a budgeting tool. But, if talking about services and strategic planning, that is set. Councilmember Johns supported delaying the survey but still felt it was important to find out what the priority is for residents.

Councilmember Backous stated he thinks the survey on road reconstruction was a waste of money because the Council did not do anything with the information received. He stated the City sends mailings (utility bills/newsletters) already and he would suggest always stuffing those mailings with questions on how the City is doing and then keeping a record of the responses. In that way, all have the opportunity to respond. Councilmember Backous stated he does not support hiring a professional firm to conduct a survey.

Councilmember LeTourneau stated the City conducted strategic planning and found it would be a good way to gauge the Council's performance and get community direction. He noted the Council made a commitment to do that but now when it is under discussion, the Council is not as engaged in the survey process. He stated he knows there are items that need to be addressed and a survey could gather that information but some issues, such as average fire response time should be information the City already has. Councilmember LeTourneau stated the Council should know about ratings of the business community and other services and that type of survey information could be beneficial during the next strategic planning exercise.

Councilmember Backous agreed but stated if transparency is the goal, it should be a simple quarterly survey and the Council should not pick and choose the time the survey is conducted.

Councilmember LeTourneau stated a longer conversation on the tools will need to be held along with the type of information to be gathered, as the statistical results from a telephone survey will be totally different than the statistical results from a mailed survey. He felt a telephone survey will produce better outcomes.

Councilmember Backous stated he thinks a lot of people used to have home telephones but they now have cellular telephones so those statistics went "out the window."

Councilmember Tossey stated he would like to talk about the idea that it was in the Strategic Plan so it has to be done, as he does not want to be "tethered" to the Strategic Plan if it does not make financial sense. He stated if funding was not an issue it would be great but in Ramsey the money is not there so the Council should stop spending it. Councilmember Tossey stated as policy makers, the Council has the right to be flexible and make that type of decision, to adapt to the current conditions.

Mayor Strommen agreed with the need to be flexible with the Strategic Plan, noting the other issue is that metrics are part of the Strategic Plan and residents support having a means to measure. She stated she is also asking if the survey is worth the cost and the types of questions that would be asked. Mayor Strommen asked if there is another way to measure whether the Council is succeeding and suggested another conversation of how to measure success with the Strategic Plan and in setting priorities. She agreed that the City can ask questions but how the questions are framed needs to be considered to ensure the input received will be useful. Mayor Strommen stated as the Council considers the 2015 budget, it needs to know the services that residents find to be important. Mayor Strommen agreed it is important to have good baseline information but she wants to consider if there is another method to get the information and if a survey is conducted, to clearly define the intent.

City Administrator Ulrich suggested staff conduct further research in how other communities conduct surveys and address strategic planning during budget discussions.

Councilmember Johns noted part of the cost is analysis of the survey results, which is expertise the Council does not have. She stated if a survey is done, it has to be done right to assure honest feedback and a good assessment of the resulting data.

The consensus of the Council was to delay consideration of a resident survey and ask staff to research additional options.

3. TOPICS FOR FUTURE DISCUSSION

Noted.

4. MAYOR / COUNCIL / STAFF INPUT

None

5. ADJOURNMENT

Mayor Strommen adjourned the Work Session of the City Council at 6:46 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.

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

The Ramsey City Council conducted a regular meeting on Tuesday, October 8, 2013, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Sarah Strommen
Councilmember Randy Backous
Councilmember Jill Johns
Councilmember Mark Kuzma
Councilmember John LeTourneau
Councilmember Jason Tossey

Members Absent: Councilmember Chris Riley

Also Present: City Administrator Kurtis Ulrich
Finance Director Diana Lund
Fire Chief Dean Kapler
Public Works Superintendent Grant Riemer
Development Services Manager Timothy Gladhill
City Engineer Bruce Westby
Assistant to the City Administrator Patrick Brama
Management and Administrative Intern Meghan Mathson
City Attorney Joe Langel

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 Mayor Strommen.

Mayor Strommen noted Councilmember Riley is out of State for a family funeral.

2. PRESENTATION

2.01: Presentation by Fire Chief Kapler to Fire Fighters

Fire Chief Kapler presented five new Fire Fighters with their badges: Jeff Kagol, Alex Merritt, Mike Nelson, Adam Schrag, and Scott Widstrom, indicating each had completed training including the Anoka County Fire Academy.

The Council extended its congratulations to the fire fighters and thanked each for their service to the City of Ramsey. The audience responded with a round of applause.

2.02: 2013 Happy Days Recap

Management and Administrative Intern Mathson provided a recap of the 2013 Happy Days. Staff thanked the team of volunteers involved with the planning, coordination, and execution of this event and recognized all who made vital contributions.

Mayor Strommen and Management and Administrative Intern Mathson recognized the following Happy Days Sponsors: Connexus Energy, Bank of the West, Northgate Church, The Residence at The COR, Bob 106 FM\HD, Do All Printing, Freedom Christian Church, Wendell's, Ramsey Raceway, Bolton & Menk, Phantom Lures, Ace Solid Waste, Connections Church, The Links at Northfork, NAU Country Insurance, One Hour Heating & AC, Coborn's, PSD, LLC, Command Tooling, St. Katharine Drexel, Metro Dentalcare, Comfort Suites, Parkplace Studio, Weikel Law Firm, PLLC, Mn Pro Paintball, Pearson Farm, Holiday Gas Station, Green Valley Greenhouse, The Bank of Elk River, and, CenterPoint Energy, Prevail Counseling Group. Happy Days Partners were also recognized: Anoka Women of Today, Ramsey Raceway, State Farm Insurance, and the Scouts of America.

Certificates of appreciation were presented to: Paul Buley, Kyle Beilke, Tim Buley, Christine Montour, Molly Sutherland, Howard Johnson, Xue Yang, Tom and Lucie Eisenreich, Mike Orn, Annah Reid, Ed Emmerson, Mark Reid, Ann Holland, Jackie Simone, Marcy and Mel Johnson, Anne Madison, Megan Niven, and Karl Janzen.

Assistant to the City Administrator Brama recognized Management and Administrative Intern Mathson for leading coordination of Happy Days and presented her with a certificate of appreciation. He also recognized members of Happy Days Committee for their contribution.

Management and Administrative Intern Mathson, on behalf of the Happy Days Committee, thanked the City Council for its support and in particular Councilmembers Backous, Tossey, and Riley for acting as liaisons.

The Council extended its appreciation to all who sponsored and volunteered to make 2013 Happy Days a success.

2.03: Presentation by President Kent Hanson

Kent Hanson, President of Anoka Technical College and Anoka Ramsey Community College, introduced himself and presented his goals for the colleges.

The Council thanked President Hanson for introducing himself and stated it looks forward to working with Anoka Technical College and Anoka Ramsey Community College.

3. CITIZEN INPUT

Eric Zaetsch, 6521 154th Avenue NW, credited Public Works staff for its efficiency during the fall Recycling Day.

4. CONSENT AGENDA

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

- 4.01: Receive 2013 Building Division Month End Report: September
- 4.02: Approve the following Meeting Minutes:
 - 1) City Council Work Session – September 24, 2013
 - 2) City Council Regular – September 24, 2013
- 4.03: Approve License Applications:
 - Temporary On-Sale Liquor
Church of St. Katharine Drexel, 7101 – 143rd Avenue NW, Suite G, Ramsey, MN 55303
 - Motor Vehicle
Dumarks, 7127 Highway #10 NW, Ramsey, MN 55303
DM's Auto Sales, LLC, 7820 Riverdale Drive NW, Ramsey, MN 55303
- 4.04: Approve Amendment to Resolution #13-09-172 Resolution to End Firefighters' Probation
- 4.05: Approve Receipt of Pedestrian and Bicycle Trail Easement
- 4.06: Adopt Resolution #13-10-174 Approving Cash Disbursements Made and Authorizing Payment of Accounts Invoicing Received During the Period of September 19, 2013 through October 2, 2013
- 4.07: Report from the Public Works Committee Meeting dated September 17, 2013:
 - 1) Consider Allowing the Use of High Density Polyethylene Pipe for Water Service Line – *Ratify the recommendation of the Public Works Committee to amend City Code Section 58-113(a) to allow the use of High Density Polyethylene (HDPE) pipe in lieu of soft copper for water service lines from the curb stop to the residence.*
 - 2) Signal Timing on Highway 10 Corridor – *Informational; no action required.*
 - 3) 2013 Public Works Department Operations and Staffing Survey Results – *Informational; no action required.*

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

5. APPROVE AGENDA

Motion by Councilmember LeTourneau, seconded by Councilmember Johns, to approve the agenda as presented.

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

6. PUBLIC HEARING

6.01: Public Hearing – Introduction of Franchise Ordinances with Anoka Municipal Utility and Connexus Energy

Mayor Strommen closed the regular portion of the City Council meeting at 7:25 p.m. in order to conduct a public hearing.

Public Hearing

Mayor Strommen called the public hearing to order at 7:25 p.m.

Presentation

City Engineer Westby reviewed the staff report and explained this is a housekeeping consideration as the franchise ordinance had expired. He explained this ordinance is required to allow utilities to operate within the City's rights-of-way and it contains a clause to allow the proposed franchise fee. It was noted that each utility requires some unique language so one ordinance will no longer work for both utilities. He stated staff worked with each utility to draft that language and staff recommended introduction with second reading scheduled at the October 22, 2013, Council meeting.

Citizen Input

William Kingston, 15760 Andrie Street NW, asked that the Council display the ordinance so the audience can see what is included as it is a 20-year ordinance and includes the ability to institute a franchise fee. He recommended that the right to read the ordinance should not be waived so there is full disclosure.

Mayor Strommen explained that the consideration tonight is introduction of the ordinance and it was included in the Council's meeting packet and available on the City's website.

Jim Bendtsen, 14131 Junkite Street NW, stated he would like to see how this franchise fee ordinance relates to value and asked whether an unlimited level of charges can be placed as a franchise fee.

City Engineer Westby stated the language within these two ordinances allows the utility companies to operate within the City's rights-of-ways to locate and operate their utilities. The language included related to franchise fees indicates the City has the right to adopt franchise fee ordinances in the future. He explained that the franchise fee ordinance would specifically call out the level of fees.

Darrel Smithwick, 8353 168th Lane NW, asked if the two ordinances can be posted to the City's webpage so residents can read them prior to the next meeting.

Councilmember Backous asked staff to provide a link on the City's home page so it is easier for residents to find the information.

Councilmember Tossey asked if there will be another public hearing at the next meeting.

City Administrator Ulrich stated tonight is the opportunity for public input.

Mayor Strommen stated the public input is tonight but residents can read the ordinances posted to the City's website and provide comment to the Council prior to the next meeting when the ordinances will be considered for adoption.

Councilmember Tossey stated the language in these two ordinances allow the ability for the City to institute a franchise fee, which will be considered during the next agenda item.

Mayor Strommen asked whether this ordinance contains standard language that the utilities have been operating under for the past 20 years.

City Administrator Ulrich suggested, to avoid confusion, that this public hearing be continued until the public hearing is conducted on the franchise fee ordinances, as the two issues cannot be co-mingled.

Eric Zaetsch, 6521 154th Avenue NW, stated he has not read the Council packet and it is unclear to him if the franchise fee is intended to be charged against households or the fee imposed on the franchise holder (utility operator) that is passed through to everybody.

City Administrator Ulrich stated the franchise fee is a fee on the franchisee (utility operators) that is then passed on to the customers/consumers.

Mr. Zaetsch stated that even though imposed on the franchisee, it is ultimately the customers that pay it as a pass through, dollar for dollar.

City Administrator Ulrich stated that is correct and while utility companies are not required to pass it through, they do pass the fee along to their customers.

Mr. Zaetsch asked if the utility companies have the freedom to charge larger users a higher fee, or are they required to pass it through as a flat fee.

Mayor Strommen stated that is a topic for the next public hearing, may be answered in staff's presentation, or it can be raised during that public hearing.

Joe Field, 8021 152nd Lane NW, asked if the proposed ordinances are a renewal. He stated he noticed some language had been deleted and asked if that is the only change to the existing ordinance.

City Administrator Ulrich stated these ordinances have been in place and reached the end of their 20-year life, including the franchise fee language that has been in place for the past 20 years. This is a renewal for each of the utilities to operate in the City's rights-of-way.

Mayor Strommen recessed the public hearing at 7:42 p.m. in order to open the next agenda Case and related public hearing.

Councilmember Backous stated there is confusion because Page 6 in Ordinance #13-19 includes the proposed rates for the franchise fee.

City Engineer Westby stated the rate language in the Anoka Electric ordinance is not supposed to be included and should be in the franchise fee ordinance itself. Staff is working with Anoka Electric to remove that language from this ordinance. He explained the old single ordinance expired and the two new ordinances include much of the same language; however, were boilerplate documents from the two utility companies and one (Anoka Electric) contained rates that should not be included in this ordinance.

Mayor Strommen apologized for the confusion that resulted. She stated Ordinance #13-20 for Connexus, Section 9, references a franchise fee that a separate ordinance would impose. She asked if that language should be mirrored in Ordinance #13-19 for Anoka Electric.

City Engineer Westby answered in the affirmative.

Mayor Strommen stated if the Council supports introduction, that correction would be required to the Anoka Electric ordinance prior to consideration of adoption.

Councilmember Tossey stated he cannot vote on an ordinance that is not correct and he does not support including reference to franchise fees in these two ordinances because he does not support franchise fees. Councilmember Tossey stated because of that, he will oppose introduction of these ordinances.

William Kingston, 15760 Andrie Street NW, stated it was mentioned by staff that franchise fee language was in the ordinance adopted 20 years ago. He asked when the Minnesota statute was passed to allow cities to assess franchise fees for public utilities.

City Engineer Westby stated he does not know and cannot answer that question.

Mr. Kingston noted if the statute was adopted less than 20 years ago, the language relating to franchise fees could not have been included in the original utility ordinance.

6.02: Public Hearing – Introduction of Franchise Fee Ordinance with Anoka Municipal Utility, CenterPoint Energy, and Connexus Energy

City Administrator Ulrich introduced the topic and commented on the need for long-term funding to address a Street Maintenance Program (SMP).

Mayor Strommen closed the regular portion of the City Council meeting at 7:55 p.m. in order to conduct a public hearing.

Public Hearing

Mayor Strommen called the public hearing to order at 7:55 p.m.

Presentation

City Engineer Westby reviewed the staff report and background of this consideration to institute a franchise fee to fund a SMP. His presentation included details relating to Pavement Surface Evaluation and Rating (PASER) and aging streets, increasing costs, SMP 2013 estimated costs, current SMP funding sources, ideal SMP funding sources, other SMP funding sources, funding by franchise fees, franchise fee implementation terms and tentative implementation schedule, and conclusions.

It was noted staff's recommendation is to institute a monthly fee of \$8 per utility against both residential and commercial properties, which would generate approximately \$1.7 annually. If adopted, implementation would be conditioned on:

1. Special assessments would no longer be used to help fund street maintenance projects as long as franchise fees are collected.
2. Electric and gas utility franchise fee revenues must be dedicated solely to long-term street maintenance program projects.
3. Electric and gas utility franchise ordinances must include five-year sunset terms.
4. A franchise fee/special assessment rebate program must be implemented to prevent anyone currently paying a special assessment on a previous street maintenance project from also paying franchise fees on top of their assessment, including anyone who paid their assessment off early.

City Engineer Westby presented written comment received prior to tonight's meeting from: Amber Chrudimsky via e-mail; Andre Champagne via e-mail; MaryLou Peterson via e-mail; Irene Beberg of 7411-152nd Avenue NW, via telephone; John Scherle of 5354 140th Lane NW, via telephone; SueEllen Peterson via e-mail; Wayne Buchholz of 14621 Neon Street NW, via comment card; Susan Anderson via comment card; Linda Bybee, 5031 142nd Lane NW, via comment card; Cindy McKay of 7855 157th Avenue NW via comment card; Marilyn Potter of 14368 Waco Street via comment card; and, resident of 5530 156th Avenue NW via comment card.

City Engineer Westby stated these written comments will be appended to tonight's meeting minutes. He indicated staff recommends the Council introduce Ordinances #13-21, #13-22, and #13-23 and if introduced, asked the Council to verify terms of implementation.

Mayor Strommen thanked residents for attending this important public hearing to provide input. She stated the public hearing is on the proposed franchise fee ordinance and the underlying problem is how to fund the SMP. She stated the Council would appreciate suggestions for alternative solutions to fund the SMP and asked residents to provide succinct comments, limited

to two-three minutes, to direct comments to the Council, and maintain Chamber decorum by refraining from display of opposition or support.

Citizen Input

Tim Mahoney, 5915 177th Avenue NW, stated he lives off CR 147 and asked if he would also receive an assessment from Anoka County. He stated he finds there to be a lot of “fuzzy math” relating to having a fee included in an ordinance that should not be included, and projecting cost estimates for future paving projects. He stated there is a five-year sunset, which may indicate the project cost is not known and he does not support a franchise fee in addition to assessments as it causes confusion and more cover-ups. Rather, he supported payment of assessments based on PASER. Mr. Mahoney felt it was misleading to think there would be a continual and steady flow of income from franchise fees because technologies change. He supported lowering City costs and finding other funding sources from the State of Minnesota. Mr. Mahoney did not support the franchise fee.

Mary Jo Olson, 8260 159th Lane NW, stated this “can has been kicked down the road” for a long time and applauded this Council for addressing it and to assure that in the long run, the roads are in good repair. She spoke in favor of a franchise fee to fund road maintenance but was not sure that an \$8 flat fee per utility was the right way to go. She felt franchise fees were the best concept but favored a tiered approach focused on property values. Ms. Olson felt franchise fees were a better funding source than assessments or raising property taxes. She liked the idea of having a little pool of money set aside every month to assure the roads remain in good condition, as she agreed with staff that some roads are reaching life expectancy, all drive them whether you own or rent, and it would benefit all to have it done. Ms. Olson stated franchise fee are the least painful way to fund this endeavor.

Jim Bendtsen, 14131 Junkite Street NW, stated the franchise fee would charge \$1.7 million to utility companies for use of the City’s rights-of-way who will then pass it on to residents, but it is not tied to property values. He stated the Charter specifies funding for local improvements and while sealcoating may be maintenance, reconstruction of a road is not considered maintenance. He felt use of a franchise fee was an attempt to circumvent the Charter and levy limits. Mr. Bendtsen stated the majority of this Council will be in office through 2016 and if they cannot focus on funding and rebuilding roads, he would ask how they will focus on keeping franchise fees where they should be. Mr. Bendtsen stated a property valued under \$242,000 will pay more in franchise fee than if on property taxes. At \$100,000 or less, you will pay three times more on franchise fees than on property tax. Mr. Bendtsen stated this should be a property tax tied to the value of what you own and if through a franchise fee, the utility should be tied into Anoka County property values. He noted if the house is valued over \$1 million, the franchise fee will be 20% of their taxes. Mr. Bendtsen stated it looks like the roads to be improved first are at the edge of Northfork and asked for that to be verified. He stated people with property values under \$200,000 pay 68% of the \$1.7 million; people with property values from zero to \$250,000 pay 87% or \$1.4 million of the \$1.7 million to be collected. Mr. Bendtsen asked if that is fair to those in the lower income ranges. He stated the Charter states that local improvements under assessments are to be tied into property values but franchise fees do not tie to property values in

any way. Mr. Bendtsen supported keeping focused on repairing the roads and putting the costs on property taxes.

William Kingston, 15760 Andrie Street NW, stated he read Ordinances #13-21, -22, -23 for the franchise fees and understands, based on the Work Session, that directives are to be achieved. One is to spend franchise fees only on the SMP but none of the ordinances address that directive or the five-year clause. He stated he asked previously about the administrative fees to handle the franchise fee and it is clear in all three ordinances that there is the ability for the utility to tack on a surcharge to administer the franchise fee so the end result may be an amount somewhat higher than \$8 per month per utility. Mr. Kingston stated the analysis has forgotten that the franchise fee is a tax that is non-deductible from federal income taxes because it is a fee and not a tax. He asked the Council to be clear to the public on what the Minnesota law will allow the City to do to raise the levy. Mr. Kingston stated the analysis is ten years of \$2.5 million, which indicates to him that after the five-year term there will be a second franchise fee that is at a higher rate than what is proposed today.

Merlin Hunt, 17860 Nowthen Boulevard, stated his ancestors moved to Anoka County in the 1850s and he grew up on 167th and Nowthen Boulevard until 1963. Then he lived out of State until he decided to return to Ramsey where he grew up. Mr. Hunt stated his father was farming, and whenever the County wanted something, they asked to buy right-of-way, and his father did not have to pay any fees. The County paid the fees to him. Mr. Hunt stated it now seems like he is always having to pay a fee and sometimes he thinks his dream of moving to Ramsey will turn into a nightmare because residents are totally controlled in paying a fee on everything they do. Mr. Hunt stated on franchise fees, he thinks it is the wrong direction. He noted that with the last federal budget, President Obama refused to talk about it unless the rich were taxed, it was finally done, and now it is being fought again. He stated the Minnesota Governor ran for election based on taxing the rich and he has passed it. Mr. Hunt stated when he attended the open house, he thought the franchise fee was a done deal but found it interesting that comparing franchise fee to increasing property tax shows that a \$250,000 home would pay the same amount as the franchise fee if property taxes were increased to pay for the SMP. But, a person with a \$100,000 home will pay way more on a franchise fee than if the property taxes were increased. A person with a \$500,000 home pays more, but he felt they can afford more. Mr. Hunt said he heard someone cannot afford the fees and that may be true with the owner of a \$100,000 home or if struggling to make mortgage payments. He stated if the taxes are increased based on the home, he would not be hurt as much but the franchise fee is doing the opposite of what the President and Governor did by taxing the poor instead of the rich. Mr. Hunt stated he will pay more on real estate tax than the franchise fee, but can deduct it on his federal income taxes. He stated the City is trying to be open by passing a franchise fee, but someone else mentioned he lives on CR 5 and has 40 acres that do not touch a City street. The utilities come through his property and has an easement to build and maintain the road but he owns it. Mr. Hunt stated the State law says that because the City has right-of-way for streets and alleys, it can pass on a franchise fee. But, it does not say anything about roads that are outside of the City's jurisdiction and just before the previous franchise fee ended, he went to the County Attorney and tried to get it clarified that he (Mr. Hunt) owns the land under the road and the County Attorney said the City of Ramsey has no ownership influence or control over CR 5. Mr. Hunt asked how the City can apply a franchise fee to him. The County Attorney said it is because he travels on the roads. Mr. Hunt asked how

the City can charge a franchise fee to someone who does not live on a City street and asked the Council to reconsider and fund the SMP through real estate tax instead of a franchise fee.

Wayne Buchholz, 14621 Neon Street NW, stated he is upset because of the impact to senior citizens, noting that 80% living in the senior apartment building do not even drive and some pay rent with vouchers yet would get charged a franchise fee with an electric bill. He stated next door, in the upscale apartments, it is all electricity so they will each only pay an \$8 fee, which he thinks is off base on being fair. Mr. Buchholz felt property tax was the fairest way to go and it is in the City's Charter for a reason. He stated it is harder but that is why the Council was elected. Mr. Buchholz stated past history is no different than Social Security or Medicare and asked how that is working because the federal government has "their hands in everything." Mr. Buchholz stated this is government and this Council may not be here in four years and the next Council may change things and use the money for something else. He stated he also visited another apartment building and they did a petition with 1 person supporting franchise fees out of 28. He submitted the petition to staff. Mr. Buchholz stated past Councils managed to reduce taxes and put money aside for road repairs by not hiring. He stated the members elected supported putting staff back on salary but there are "wants" and "needs" and the Council cannot "have the cake and eat it too." He stated the Council wants to hire an EDA Manager at \$70,000 to \$80,000 a year, which he does not support and asked what the past EDA Manager brought into the City that is still here today. He felt if taxes are kept down, businesses will come.

Eric Zaetsch, 6521 154th Avenue NW, stated he is worried about the "guppy that will swallow the whale." He felt there was incentive to shuffle more to the franchise fee as there are levy limits. He asked the Council to consider safeguards in the Charter, not the ordinance, as it is harder to undue when there is a new Council with new thoughts. He suggested an annual cap with a sunset rule in the Charter. Mr. Zaetsch stated the last Council borrowed from one fund to pay another and if there is a franchise fee, there should be no borrowing to fund something else, which he felt would be another good safeguard to include in the Charter. He stated the Charter Commission is interested in franchise fees and will arrange to have a hearing on it. Mr. Zaetsch stated he also serves on the Charter Commission and asked the Council to think about it.

Tanya Hufnagel, 5741 158th Court, stated in these economic times we need to live within our means and as projects come up, the City is talking about additional taxes and franchise fees but she felt the City needed to instead look at cuts. She stated there are "wants" and "needs" and if roads are a need, then it should be looked at instead of charging something else. She felt the City needed to stop doing what is "nice" and "extra" and get back to the basics instead of looking at how to get more money. Ms. Hufnagel stated she does not support increased taxes or franchise fees and supports the Council making cuts instead of burdening residents because of these projects.

Nancy Bendtsen, 14131 Junkite Street NW, stated the 2014 levy is being increased by almost 10% already and by adding the franchise fee, it is an additional 20%, and residents may not be aware that their taxes will increase 30%. She stated at the last meeting, a motion passed to attach delinquent utility bills to property taxes if the property owner was behind in making utility payments. Ms. Bendtsen stated she had asked what percentage of residents struggle to pay water, sewer, street lighting, and storm drainage. It is 15-17% of residents who are already

behind on their utility bills and she guessed they are probably not the people in the \$500,000 homes. She found the franchise fee to be a regressive tax, not what the Federal and State are doing to get the rich people, but it hits people who use vouchers for rent “below the belt,” and those who are maybe paying \$800 in property tax that will increase to over \$1,000 with a fee that cannot be deducted. Ms. Bendtsen agreed the streets need to be maintained but it should be done the right way and attached to the property.

Erika Ruch, 15446 Radium Street NW, stated it is creative but if sticking in fees and assessments, not being taxes, she still pays more. She stated it is alarming that nothing was said about making cuts, it was solely based on what fees can be taken from residents. She stated she does not know how the train station and Municipal Center works but she would have preferred to sit on a folding chair in some church basement and not have to pay an additional \$16 per month. She stated CenterPoint Energy is already raising their base rates and this franchise fee would be additional. Ms. Ruch asked if this is a formality or if resident input will make any impact because if not, they should have stayed home.

Joe Field, 8021 152nd Lane, stated he is not speaking as a member of the Planning Commission or Charter Commission but as a private citizen about his concerns with the City Council proceeding with a franchise fee approach to funding. He stated he reviewed the proposed ordinances and found no reference to a five-year cap. In terms of transparency, it may be a glitch but has to be corrected. Mr. Field felt the most basic function of City government is to provide for its infrastructure, meaning roads, which is a base and it should come from the general levy. He agreed that special assessments can be burdensome for residents; however, the proposed ordinance does not indicate special assessments will be eliminated nor is it a proposed Charter amendment. Mr. Field stated City government should care for roads from the general levy, noting special assessments are a temporary tax but those homeowners see an improvement adjacent to their property and that special assessment cannot be set higher than its value to the property, as contained in the Charter. With the franchise fee, there is no limit or connection to the increase in property value, so it is a “bottomless pit” with no constraints. He stated nothing prevents a future City Council from raising the rates for whatever reason and the proposed ordinance does not specify funding is limited to roads. Mr. Field stated the City can eliminate the special assessment but then needs to find ways in the general levy to get the roads funded. He felt the franchise fee was a “taxing stealth device” and calling it a fee without a tax deduction. He noted residents pay in more than one way because if at a lower income level, 87% of the homeowners in Ramsey will pay more in a franchise fee without a tax deduction than if funded from the general levy. Mr. Field stated the City has not hit the levy limit and has close to \$1 million to work with that could be tapped into. He stated if the shortfall is \$2.2 million and there is \$500,000 in reserve, using the additional \$1 million of levy gets the funding close if the budget is also trimmed. Mr. Field stated the need is five years and the levy limit is for only one year and then it will be released. He stated no one wants to raise the general levy and that may be why it is not being considered. Mr. Field stated he felt there was no cap to franchise fees, it would let “the genie out of the bottle,” and residents would start to see a new form of taxation without accountability. He stated just because other cities have not explored deeply the issues behind a franchise fee does not mean they have made the wise choice and he believed that Ramsey should stand its ground and say franchise fees are wrong. He invited the City Council to not proceed with a franchise fee and “dig in” to find other alternatives, which is the hard work

for the City Council. Mr. Field stated these are his comments based on the information that was provided to him. He stated he opposed the franchise fee and urged the Council to do the same.

Darrel Smithwick, 8353 168th Lane NW, commended the Council for addressing the need for a solution to fund the road projects. He felt the projections were aggressive with 174 miles of streets, many of which are short and not heavily traveled so they will require less maintenance. He noted that if this is approved, staff recommends that every street be seal coated every three years and then overlaid but he thinks that not every street will require that scheduled maintenance. Mr. Smithwick stated he thinks the projected rates are really high. He agreed the flat tax is not the right way to go and asked what the utilities will charge for handling these fees. Mr. Smithwick stated instead of a scheduled maintenance every three or six years, it should be based on PASER.

Richard Cich, 6440 170th Avenue NW, stated this fee is another fee for government to be wild on. He questioned the real level of transparency and stated there needs to be taxes so they can pay the federal government and midgets in St. Paul.

Randy Villa, 15125 Garnet Street NW, stated all he has heard is about raising taxes or fees and nothing was offered on cutting the budget, reducing projects, and improving infrastructure. He stated it was known there would come a day when roads would have to be improved or maintained but it has been ignored. He felt that once imposed, it has to be paid so the “reliable source” being mentioned by staff is actually the resident who has to pay it. Mr. Villa stated he is adamantly opposed to franchise fees, noting he has not had a raise since the recession while all of his other costs have gone up. He felt it would price residents out of existence, the Council should start by cutting the budget, and stated he supported the comments made by Mr. Field.

Jennifer Carlson, 7540 163rd Lane NW, asked the Council to consider what happens if through the franchise fees, there is excess revenue, as the Council is trusted to be fiscally conservative. She also asked what happens if there is a budget shortfall and costs are higher than projected, and how cities not using franchise fees fund road repairs.

Eric Zaetsch, 6521 154th Avenue NW, stated he agrees with what Mary Jo Olson suggested to tier the fees instead of having a flat fee that stings the poor more than the rich. He also supports what Mr. Field stated. Mr. Zaetsch asked how amenable the Council would be if the Charter Commission puts forward an amendment.

Matt Look, 5635 142nd Avenue NW, stated he recalls being in a similar situation with a packed Council Chambers, which can be intimidating. He commented on the support of a past Public Works Director for a \$20 million Public Works Station that did not get traction but if it had, there would be a \$20 million Public Works debt service plus roads. He stated at that time, the City never heard anything about the impending catastrophe with roads but maybe that was because there was a competing interest. Mr. Look stated he noticed a lot of attention in Town Center with MSA dollars on Sunwood Drive and that the MSA funds were spent in advance. He stated this Municipal Center was built with belief there would be “wheelbarrows of cash” coming from the Ramsey Town Center, but it did not come to that point. Mr. Look stated at some point it will come, but the economy has not responded. He stated the Council says there is

not enough money for roads but is still considering hiring so there is some money. He stated he is a prior Councilmember and the emphasis was to cut taxes because the economy was dipping. Mr. Look supported the Council looking at staffing levels, which are 70% of the budget, even if services are not as efficient. He noted that if the average house pays \$600 for the City tax portion, adding \$200 in franchise fees is an onerous addition, an increase of 30-33%. He stated while campaigning he found situations of two-parent and single-parent unemployment resulting in a level of uncertainty where it becomes an issue of feeding their families and keeping their house, not a matter of what sports their children will play. Also, there are many foreclosed homes because of the difficult economy. Mr. Look stated he felt fortunate he had not gone through those financial concerns but thinks a \$200 increase is significant. He stated there has been discussion of “leaders versus politicians” and that leaders make difficult decisions but elective government represents residents and he does not think this direction represents his personal view. Mr. Look suggested that if there is public support, put it on the ballot and ask residents if they support paying \$200 a year for roads.

Jim Bendtsen, 14131 Junkite Street NW, asked if the City will receive a large amount of money from TIF coming off line plus LGA. He asked if that total was more than \$800,000 a year and if it is planned to be spent and what on.

Grant Rademacher, 15920 St. Andrews Lane, stated he hopes to be rich some day and it baffles him to hear comments about “taxing the rich more than me.” He stated he has been a Ramsey resident for many years and a franchise fee is a fee and should be called a fee. Mr. Rademacher stated he pays water and sewer rates for a business in Ramsey that is twice what he pays in Andover or in Brooklyn Park and it is all money out of the pockets of residents. He stated the Council was voted to do the job, to be honest, and to do what is best. With regard to picking battles, he noted all were sitting at a “Taj Mahal,” which is crazy, and he wished he had a steady pool of income but many are out of funds, are putting off vacations, projects, their children’s college funds, and there is not a lot left at the end of the day. Mr. Rademacher stated the City is now adding more taxes. Mr. Rademacher stated he is firmly against this.

Vicky Hesselgrave, 7601 166th Avenue NW, stated good points have been made relating to housing without gas service or those that use wood and if they would receive a break with franchise fees in only paying half or not at all. She stated Elk River was said to have a franchise fee and she knows residents who are disappointed in the outcome of their franchise fee and there was also a recent article in the newspaper about that. She asked the City Council to do more research and to listen to the people. Ms. Hesselgrave stated Ramsey has been fairly okay over the years in listening to the people and she appreciates that. She stated the City already bills for utilities and asked why a franchise fee was chosen instead of charging a fee through that means. With regard to property owners who cannot afford to pay their utility bills, she asked what happens to that fee and who is paid to collect it. Ms. Hesselgrave asked the Council to listen to all of the input and come away with a better solution.

Todd Embury, 9041 159th Lane NW, stated he came without an opinion or fully understanding the concept. He stated he has sympathy for the Council as they are taking “a lot of heat” but they have to listen to resident feedback. Mr. Embury stated no one likes taxes and no one will vote to increase taxes, if given the choice. He stated Ramsey needs first class roads and the staff gave a

good presentation. He stated one impact is sprinkler systems that spray onto the roads and causes destruction. Mr. Embury stated the streets need repair and a steady funding source, which may be the residents, but it is needed. He stated when he leaves his cul-de-sac, he needs to use the main thoroughfare and several years ago those who live on that street raised such a ruckus that they intimidated the Council to not make the improvement so that street is now at a Level 1 or 2 instead of a Level 5. Mr. Embury stated he understands the need for a reliable source of funding but it sounds like a franchise fee may have some downfalls and not a course of funding that is fair to everyone. He indicated he would like to hear more about whether property taxes are a fair funding source. Mr. Embury stated whether it is a property tax or franchise fee, maybe more time is needed for discussion instead of moving forward tonight.

David Elvig, 18026 Ute Street NW, stated he appreciates the Council is taking on this issue and listening to comments. He stated in his experience as a former Councilmember and wrangling the issue, if funded by the General Fund, there is not as much control in where it is spent. But, if a franchise fee, the use of the funds is locked. His concern is management of the funds so it is not commingled and invested only in infrastructure. Mr. Elvig suggested the ordinance define "repair" and "reconstruction" as being for existing infrastructure and not for a developer. He supported the ordinance indicating no loans, interfund loans, pet projects, or no fees that artificially bolster the general fund. Mr. Elvig stated proper management is his concern and he likes the franchise fee because it can be isolated and transparent. He also supports the sunset provision, noting that the past franchise fee had a sunset and when the goal was met, the franchise fee was removed. A franchise fee is not a long-term assessment on property taxes that continue into perpetuity and that is the problem with funding by property taxes. Mr. Elvig stated the ordinance language does not include a soft sunset. He felt five years may not be long enough and may need to be ten years, but a term should be set. Mr. Elvig stated if there is a change or loans, the issue needs to come back for public input to assure proper management of the funds. He stated the City spent about \$30,000 on a survey of several hundred randomly selected residents who were called and the vast majority said a franchise fee makes sense to them as opposed to other mechanisms. Mr. Elvig stated Ute Street was reconstructed so he had a \$5,000 assessment and is paying \$500 per year as opposed to \$200 per year he would pay through a franchise fee. Mr. Elvig stated he would prefer paying the \$200 per year.

Wayne Buchholz, 14621 Neon Street NW, stated Mr. Elvig raised fine points but the poorest of the poor pay for this no matter how you cut it and that is wrong.

Dennis Olson, 8260 159th Lane NW, stated the people voted for the Council and he believes the Council would not do anything that residents would not support. He stated residents want the roads fixed and the Council has the ability and knowledge of what to do. Otherwise, the roads will be crumbling and residents will say they want them fixed. Mr. Olson stated he feels sorry for the Council having to take this input when it is doing its job as best as they know how. He stated Ramsey's taxes are lower than others and while no one likes bills, the franchise fee is small. Mr. Olson stated Minneapolis does not maintain its streets and the potholes are large. He stated all want businesses in Ramsey and it would be nice to attract big businesses, which pay a very high tax, to lower resident's taxes but big businesses want good infrastructure. Mr. Olson stated the City has to maintain its image so it doesn't have problems with crime. That is another reason businesses will want to come to Ramsey, because it is a good and upcoming community.

Mr. Olson stated all want good businesses and restaurants and thanked the Council for doing a good job for its residents.

Mitch Peterson, 17252 Potassium Street NW, stated residents need roads and putting the cost on the levy without oversight creates a “pothole.” He stated he has not had a raise for a long time as a private consultant but has not raised his rates since 1999. Mr. Peterson felt the City had not lived within its means as his taxes have increased yet his property values have gone down for three years. He stated people have to look at cuts such as going to community college instead of a collage they want to. He stated he has been in Ramsey for 20+ years and believes the railroad tracks and train going by every fifteen minutes will block any big businesses from The COR. He stated the businesses that have been attracted don’t pay taxes and the City needs to figure out how to get taxes to pay for roads. He stated the City needs to look at infrastructure and asked why it builds roads that have service roads that dead end so you have to turn around or roads that go in circles. Mr. Peterson stated it is time to look at what is important and that is infrastructure because if in place, businesses will come to Ramsey. He stated the Municipal Center is nice and maybe more than the size of Ramsey should have and he would like the train station to be a success, but it is also subsidized. Mr. Peterson stated it always comes from the pocket of people who work day in and day out for a society of people who always want more.

Jim Bendtsen, 14131 Junkite Street NW, stated no one said the roads don’t need to be fixed and stated again why he believed the costs should be tied to property values that should be increasing. He stated he supported putting the cost on the water bill, since it is a tax, instead of using gas and electric utility companies that will charge a fee. It would also be more transparent.

Jeff Wise, 7901 165th Avenue NW, stated he appreciates the Council’s position and agrees with many comments made that a lot of the money can come from savings found in ways other than increasing the budget. He stated the franchise fee idea could possibly be a good idea if it had major “teeth” and done at the Charter level to make it difficult for future Councils to spend the fees in another way. Mr. Wise supported the funds being dedicated and had favored franchise fee while on the Council because it gets everyone in Ramsey to pay, not just those who own property. He stated it may be that 65% to 75% of residents are property owners but all use roads even if they do not own property and would now pay their fair share. Mr. Wise stated support for getting rid of special assessments due to the staff time it takes and ability of residents to kill a project so the \$150,000 spent on engineering is completely useless. He believed the majority of funds can be found in the current budget by eliminating things the City does not need, or may be a want. He stated if a franchise fee is passed, he would support a tiered fee that is eventually eliminated. Mr. Wise stated if the money is dedicated for road reconstruction, it would remove most of his concern.

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

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

The public hearing was closed at 9:38 p.m.

Council Business

Mayor Strommen called the regular City Council meeting back to order at 9:38 p.m.

Mayor Strommen again thanked all who shared input tonight, noting the Council is also struggling with this issue and appreciated listening to comments made. She explained the ordinances are in draft form and agreed the directives need to be incorporated. Mayor Strommen stated given the amount of input received and the need to have the draft ordinances in better form, she would suggest continuing action to the next meeting so there is more time to wrestle with the issues raised. She suggested the two ordinances in Case 6.1 also be continued for the same reason. Mayor Strommen asked staff to respond to the questions raised by the public.

City Administrator Ulrich stated in 2014, additional levy capacity of \$931,000 was not exercised. Since the Council established a preliminary levy, at this point, that additional levy capacity cannot be captured for 2014. He stated if living on private roads, there may be a way to accomplish not charging them if the Council establishes such a policy but the thought is that all use public roads. On the question of projects the EDA Manager brought in, that can be researched and presented. City Administrator Ulrich stated if there is an excess of franchise fee funds, the Council can reassess revenues and expenses. If there are excess funds the franchise fee can be lowered and if there is a shortfall, the franchise fee can be increased. He explained that funds not used within a calendar year would be invested and used for future projects.

Mayor Strommen stated when looking at five-year needs, Year One may be less and Year Two may be more. Because of this, there may be an excess or shortfall in any given year; however, it is annualized to be equal each year.

City Administrator Ulrich indicated that is correct. He stated cities that do not have franchise fees for road repairs typically use a 20-50% special assessment. He suggested the City Attorney address the question raised relating to a Charter amendment to include rates and sunset dates, noting it would have more stature and be more difficult to change than an ordinance. With regard to the tax increment district coming back on line, it was projected to coincide with debt service on the Municipal Center so there would not be a big hit to property taxes. City Administrator Ulrich explained if homes do not have gas or electric service, they would not be charged for the franchise fee. He stated staff discussed whether it was an option to put a fee on the City's sewer, water, street light, or storm sewer bill; however, there is no Statutory right for such a road improvement utility. If someone is on financial support, he does not know whether the fee would be waived by the utility company.

Mayor Strommen asked staff to determine whether The Residence at The COR have both gas and electric service, respond to the process to eliminate assessment in the ordinance, and determine if maintenance is conducted whether or not it is required or within the PASER. She also requested clarification on use of future MSA funds, and definitions around street maintenance.

Councilmember Backous stated a question was raised about having a tiered fee to counteract the progressive nature.

City Administrator Ulrich stated a tiered method is easy if residential has one category and there are multiple-tiers for commercial. He explained if the City wants a residential tier it would be allowable, but the City would have to administer and rebate based on value of the home, resulting in high staff overhead in having to create a new billing system.

Finance Director Lund stated the utility company does not charge an administrative fee and in 2003 and 2004, an administrative fee was also not charged.

Mayor Strommen asked if the utility companies would be amenable to revising the ordinance language since that is their business practice.

Finance Director Lund stated the utility companies could be asked. She recapped the 2014 budget, impact of levy limits, and indicated in prior years the tax rate was at about 44.28 and now it is at 43.37 so taxes should be constant or reduced. She then reviewed the three levies, explained the increases and how the Municipal Center debt was refinanced last year and use of tax increment funding this year will keep the tax rate constant. Finance Director Lund stated GASBY rules require to identify designated funds and only the City Council can decide to change the use of funds. With the 2003 franchise fee, the Council received a quarterly revenue report and the same reporting could be done if this franchise fee is approved. She explained the property taxes are received in a lump sum, not as a continual monthly revenue stream, and relies on everyone paying their taxes. Finance Director Lund reviewed the MSA fund allocation and projects to which it has been committed. She stated the utility companies are not able to accommodate a tiered fee but can create a new fee on the bill for "road reimbursement" and once established, it can go on the bill. Otherwise, a tiered rate would have to be administered manually through the City with a reimbursement check sent back to property owners. She stated the levy increased by \$725,000 but there is a constant tax rate because of tax increment coming back on line.

City Engineer Westby stated the County does not assess properties along its roads but uses other funding sources. He stated other cities fund street programs through bonding, assessments, MSA, and a dedicated street maintenance budgeted item if not using franchise fees. He described the maintenance schedule that had been presented and what the costs were based upon. City Engineer Westby stated the maintenance schedule does not have to be followed in every case and while the costs assume a full reconstruction at the end of the useable life of the road, it may require a reclaim that would be a much lower cost. He recommended that a regular sealcoating program be followed to prevent pavement from becoming brittle but explained that overlays may not be needed as scheduled. He stated he preferred to estimate high at this point than to come in low and not have funds at the end. City Engineer Westby agreed with the suggestion to define terms and did not think it would be an issue with the utility companies.

Mayor Strommen stated questions were raised about the Charter and how it meshed with the Council's consideration of instituting a franchise fee.

City Attorney Langel stated there is no question that the City Council has the authority under the current Charter language to institute a franchise fee, as the Charter gives the City Council authority unless otherwise stated in the Charter. City Attorney Langel explained the Charter Commission can put parameters/limitations on a franchise fee if it does not conflict with State law but the Charter is a constitutional document so the Commission needs to use care when amending for any issue.

Mayor Strommen asked staff to research other information requested and to post responses to the City's website to assure resident access.

Councilmember Tossey stated staff mentioned those who have paid an assessment will receive a rebate and asked if it is a rebate of the assessment or the franchise fee.

City Engineer Westby stated the rebate would be the franchise fee as long as the assessment was not less than that. If the assessment was less than the franchise fee, it would be a rebate of the assessment.

Councilmember Tossey stated 22 people spoke tonight and 18 expressed opposition. He took issue with staff's mention that the budget has already been reached and the extra levy limit not used. He rejected that notion because he had argued that it should be done fairly, not regressively. Councilmember Tossey stated he thinks there is a compromise and the Charter Commission should take this up. He stated the staff's position is that it did not like to spend money to design a road project when 50% plus one could counter petition, stop the project, and the money spent on engineering lost. Councilmember Tossey felt this franchise fee was a way to avoid that counter petition process and it would be burdensome on the City's middle income and poor residents because it is regressive. He supported approaching the Charter Commission to consider a lower percentage than 50% so those engineering dollars are not lost. Councilmember Tossey stated he will never support franchise fees but knows roads are an issue because they are a basic function of government.

Councilmember LeTourneau stated it has been an interesting couple of hours listening to the public. He stated this is a draft process, as can be seen in the document language by design, to get resident's feedback and assure all understand what the Council wanted to accomplish, to maintain and repair roads. Councilmember LeTourneau stated he appreciates residents for participating in the process and supports having the matter come back in several weeks. He stated franchise fees may not be perfect but neither are special assessments or other options and the Council has to find a solution that is the most appropriate.

Councilmember Kuzma thanked residents for coming out tonight, for the comments made, and stated it is obvious the Council needs to do more work to find a process to fix the roads. He stated he is new to the Council, is still learning, and not responsible for what happened in the past but is working to find a solution to fix the roads and consider all options available to do that. Councilmember Kuzma stated franchise fees seemed to have appeal but after listening to the resident's comments, he will have to consider all of the ramifications.

Councilmember Backous thanked all for participating, noting this is far from a “done deal.” He stated people have been participatory, rational, and understand there is a problem. Councilmember Backous stated he is a senior member on the Council and been serving just over two years, noting none on the current Council created this problem or the budget problem. He noted comments were made about the Municipal Center, but it is already here so the focus needs to be on what can be fixed. Councilmember Backous stated he heard a lot of excellent comments tonight that he had not yet considered. He stated the ordinance needs to include a sunset, dedication of funds, surcharge, safeguards in the Charter, and removal of the special assessments process. Councilmember Backous stated that is the only reason he would support franchise fees, to remove the assessment process. He stated Councilmember Tossey’s suggestion to have a compromise on the assessment counter petition is a good one. Councilmember Backous stated the roads need to be fixed and citizens will pay for it whether through a franchise fee, assessment, or tax. Councilmember Backous stated he would like to pursue a tiered approach to franchise fees but avoid a scenario of “ten-cent rebates.” He stated he likes keeping it in the levy and a five-year sunset that requires mandatory decrements each year to force the Council to look at the budget and funding issue each year. Councilmember Backous agreed with the concerns of a perpetual franchise fee, noting if the ordinance language eliminates the franchise fees in five years, then after that everything could be in the levy without franchise fees or special assessments. Councilmember Backous stated his mind is still open and the City will only arrive at the proper solution if all provide input and show respect.

Councilmember Johns thanked everyone for attending, noting it has been an interesting process during her two months on the Council. She stated all are listening and noted the Council has already discussed many of these points and raised a lot of questions to staff.

Mayor Strommen stated at this point in the City’s history, the roads are of an age where the cost to maintain is increasing but the budget has never been structured to include these costs. She noted that as the City approaches this point, many past Councils have considered how to fund infrastructure projects, and some are not comfortable with the burden of staff preparing engineering and feasibility work only to have the project counter petitioned. She noted a \$4,500 or \$5,000 assessment is also a burden and financial hit on everyone, cannot be budgeted for, and if not paid in full the property owner is charged 4.5% interest over the life of the assessment. Mayor Strommen stated there is no perfect solution, noting other cities are experiencing the same challenges because it is not built into the budget until infrastructure becomes of a certain age. Mayor Strommen noted the State has infrastructure issues of its own to address and not in a position to bail out cities. She thanked the Councilmembers for tackling this issue, for working to find a solution, and thanked residents for becoming part of the process. Mayor Strommen stated the seven-seated Councilmembers will probably not be all in agreement with the final solution but she appreciates all engaging in the process. Mayor Strommen asked staff to research the option for a tiered franchise fee that gives a break to lower-valued properties.

Motion by Councilmember LeTourneau, seconded by Councilmember Kuzma, to postpone consideration of Ordinance #13-21, Implementing an Electric Energy Franchise Fee on the City of Anoka, a Municipal Corporation, for Providing Electric Energy Service within the City of Ramsey, Minnesota; Ordinance #13-22, Implementing a Gas Energy Franchise Fee on CenterPoint Energy Minnesota Gas (“Centerpoint Energy”) for Providing Gas Energy Service

within the City of Ramsey, Anoka County, Minnesota; and, Ordinance #13-23, Modifying the Electric Franchise Fee on Connexus Energy for Providing Electric Service within the City of Ramsey to the next meeting.

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

6.01: Public Hearing – Introduction of Franchise Ordinances with Anoka Municipal Utility and Connexus Energy - continued

Mayor Strommen reopened the public hearing at 10:30 p.m. and asked if there are additional public comments on this Case.

Wayne Buchholz, 14621 Neon Street NW, asked the Council to postpone consideration of these ordinances to the next meeting.

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

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

The public hearing was closed at 10:31 p.m.

Council Business

Mayor Strommen called the regular City Council meeting back to order at 10:31 p.m.

Motion by Councilmember Backous, seconded by Councilmember Kuzma, to postpone consideration of Ordinance #13-19, Granting to the City of Anoka, a Minnesota Municipal Corporation, its Successors and Assigns, Permission to Construct, Operate, Repair, and Maintain in the City of Ramsey, Minnesota, an Electric Distribution System and Transmission Lines, Including Necessary Poles, Lines, Fixtures and Appurtenances, for the furnishing of Electric Energy to the City, its Inhabitants, and Others, and to Use the Public Ways and Public Grounds of the City for Such Purposes; and, Ordinance #13-20, Granting to Connexus Energy, a Minnesota Cooperative Corporation, its Successors and Assigns, Permission to Construct, Operate, Repair, and Maintain in the City of Ramsey, Minnesota, an Electric Distribution System and Transmission Lines, Including Necessary Poles, Lines, Fixtures and Appurtenances, for the furnishing of Electric Energy to the City, its Inhabitants, and Others, and to Use the Public Ways and Public Grounds of the City for Such Purposes.

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

7. COUNCIL BUSINESS

7.01: Introduce Ordinance Amending Section 58-113 (Water Connections) of the Ramsey City Code and Call for Public Hearing

Public Works Superintendent Riemer reviewed the staff report and recommendation to amend the ordinance to allow the use of High Density Polyethylene (HDPE) instead of Class C soft copper. Staff recommended introduction of Ordinance #13-18 and calling for a Public Hearing at the October 22, 2013, Council meeting.

The Council acknowledged this amendment is recommended by the Public Works Committee and supported by builders as it will reduce project costs.

Motion by Councilmember Tossey, seconded by Councilmember Backous, to introduce Ordinance #13-18, An Amendment to Chapter 58 of the City Code, which Chapter is known as Zoning and Subdivisions of the City Code of Ramsey, Minnesota, and call for a Public Hearing at the October 22, 2013, Council meeting.

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

7.02: Consider Final Plat Approval for Oakwood Acres Located Along 167th Avenue, West of Nowthen Boulevard and Approve Development Agreement; Case of Oakwood Land Development

Development Services Manager Gladhill reviewed the staff report and the recommendation of the Planning Commission for approval of Oakwood Acres, contingent upon the developer entering into a Development Agreement. He answered questions of the Council relating to the three-lot area north of 168th Avenue that terminates in a cul-de-sac but will go away with the Brookfield 4th Addition.

Motion by Councilmember LeTourneau, seconded by Councilmember Johns, to adopt Resolution #13-10-178 Granting Final Plat Approval of Oakwood Acres, Contingent upon the Developer entering into a Development Agreement with the City.

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

7.03: 15153 Nowthen Boulevard Property Development: Adopt Public Input Process

Assistant to the City Administrator Brama reviewed the staff report, background of the subject site, and process background. He indicated the Council decided to re-engage surrounding property owners prior to moving forward with a Comprehensive Plan amendment. Assistant to the City Administrator Brama described how surrounding property owners would be engaged via a proposed study Group. He recommended that a Councilmember be selected to participate in

the proposed study group, to adopt the formation of the ‘Old Municipal Center Study Group,’ and to direct staff to begin the proposed public process.

Mayor Strommen stated Councilmember Riley has expressed interest to serve on this Study Group.

Motion by Councilmember Backous, seconded by Councilmember LeTourneau, to select Councilmember Riley to participate in the proposed study group; to adopt the formation of the ‘Old Municipal Center Study Group,’ and, to direct staff to begin the proposed public process.

Further discussion: Councilmember Tossey stated he does not support rezoning this property to Light Industrial as there is no assurance Connexus will come in with a data center. He stated he hopes the Study Group will arrive at that same conclusion so he will support this motion. Mayor Strommen stated support for forming this Study Group regardless of the outcome, as residents support involvement.

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

8. MAYOR, COUNCIL AND STAFF INPUT

8.01: Former Municipal Center Collaborative Process originally scheduled for Thursday, October 24 is being Rescheduled

City Administrator Ulrich announced upcoming meetings and events.

8.02: Discuss Potential Joint Meeting for 5:00 p.m., Tuesday, October 29, 2013 – Alexander Ramsey Room – City Council / Planning Commission / EDA

City Administrator Ulrich announced the scheduling of a Joint Meeting for 5:00 p.m., Tuesday, October 29, 2013 – Alexander Ramsey Room – City Council / Planning Commission / EDA. Tentative topics of discussion are: 1. U.S. Highway 10 Access Planning Study; 2. Small Area Planning – 2a) Former Municipal Center/Current Fire Station – 2b) 167th Avenue Node, 2c) Future Business Park; 3. Mississippi River Corridor Critical Area Rulemaking – Mn/DNR.

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 10:52 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.

CC Regular Session

4. 5.

Meeting Date: 10/22/2013

Submitted For: Dan Bray,

By:

Jo Thieling, Administrative Services

Information

Title

Approve Request to Declare Surplus Property

Purpose/Background:

Staff is requesting Council declare the following property surplus and authorize sale of same:

#351 - 2005 Ford Taurus - VIN#1FAFP53295A195538 - Mileage 59,007

Vehicle #351 was the Police Chief's vehicle - and was recommended for replacement by the City's mechanic. Chief Way's replacement vehicle has been purchased.

Action:

Motion to declare the above mentioned vehicle as surplus and authorize sale/auction of same.

Attachments

No file(s) attached.

Form Review

Inbox

Kurt Ulrich

Form Started By: Jo Thieling

Final Approval Date: 10/10/2013

Reviewed By

Kurt Ulrich

Date

10/10/2013 04:16 PM

Started On: 10/08/2013 09:00 AM

Meeting Date: 10/22/2013

By: Chris Anderson, Community
Development

Information

Title

Consider Request for Site Plan approval for a Building Expansion on the Property Located at 6820 143rd Ave NW; Case of Molin Concrete Products Company

Purpose/Background:

The applicant, Molin Concrete Products Company, is requesting Site Plan approval to begin concrete product production on site with a 10,000 square foot addition to the existing 60,092 square foot facility (former Oldcastle Precast). The applicant is proposing this use at the property located at 6820 143 rd Avenue NW.

Notification:

Notification is not required for site plan reviews.

Observations/Alternatives:

The subject property is located within the E-2 Employment District. The intent of this district is to accommodate general industrial activities. The E-2 District allows manufacturing uses as a permitted use. The site plan indicates an existing area for outdoor storage at the southwest portion of the site. This outdoor storage meets the accessory use limits of 30% of the property and will remain within these parameters with the 10,000 square foot building addition. The applicant is proposing a 10,000 square foot expansion to the east wall of the existing building in an area presently covered with an impervious surface.

The expansion includes 10,000 square feet of additional manufacturing space. The zoning ordinance requires one space for each 1,000 square feet of industrial use or ten (10) additional parking spaces above the sixty (60) required for the existing building. The site has sixty-seven (67) existing parking stalls along north property line where seventy (70) are required. However, the applicant is also showing where an additional ten (10) stalls could be striped, if needed in the future, as proof of parking. Considering that the proposed use of the building addition area is mainly manufacturing, Staff believes that the existing and proof of parking is sufficient.

The elevation plans for the proposed addition indicate the use of smooth face precast concrete wall panels that will abut existing ribbed precast concrete wall panels. The east elevation (most visible from a public street) includes an overhead door, small windows at the top and pre-finished metal wall panels for accenting above the windows. The applicant has provided color schematics that indicate the pre-finished metal panels will match the existing metal panels on the building.

Additional information related to grading, drainage and erosion control, as outlined in the Staff Review File dated September 27, 2013 and revised October 18, 2013, will be necessary prior to issuance of a building permit.

Funding Source:

All costs associated with processing the application are the responsibility of the Applicant.

Recommendation:

The Planning Commission reviewed the proposed site plan at their October 3, 2013 regular meeting and recommended approval contingent upon compliance with the Staff Review File and execution of a Development Permit with the City.

Action:

Motion to approve the Site Plan submittal contingent upon compliance with the City Staff Review File dated October 18, 2013 and execution of a Development Permit.

Attachments

Site Location Map

Site Plan with Aerial

Coler Drawing of Proposed Addition

DRAFT Development Agreement

Staff Review File Dated October 18, 2013

Draft Planning Commission Meeting Minutes Dated October 3, 2013

Form Review

Inbox

Tim Gladhill

Kurt Ulrich

Form Started By: Chris Anderson

Final Approval Date: 10/17/2013

Reviewed By

Tim Gladhill

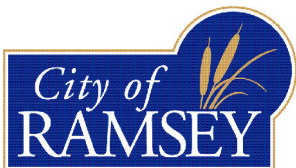
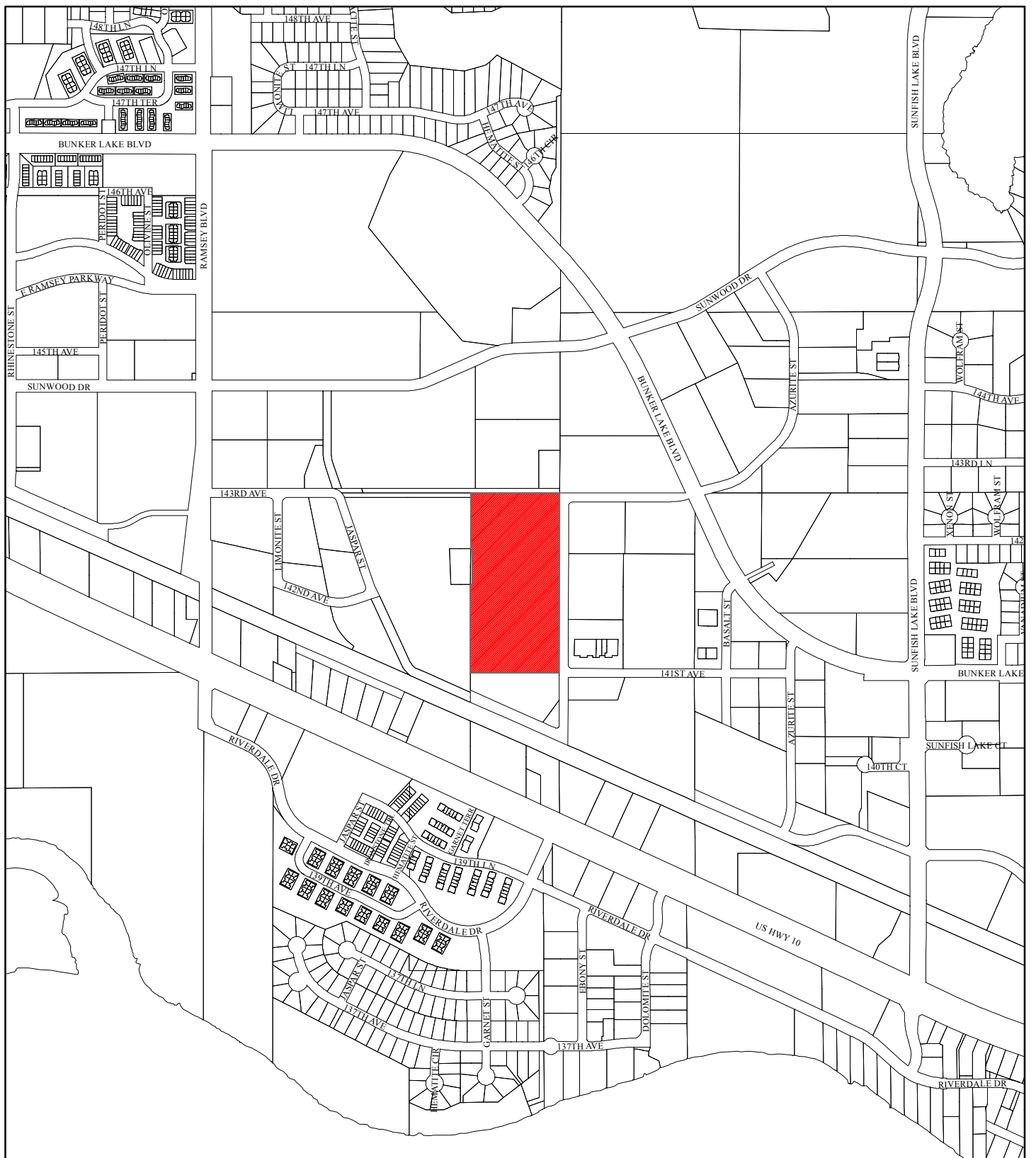
Kurt Ulrich

Date

10/16/2013 01:32 PM

10/17/2013 02:46 PM

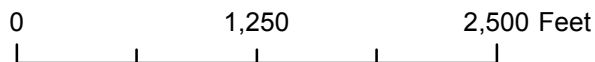
Started On: 10/14/2013 09:33 AM



Molin Concrete
6820 143rd Avenue NW

Legend

-  Site
-  Parcels



Building Addition
MOLIN
CONCRETE PRODUCTS COMPANY
6820 143rd Avenue NW
Ramsey, MN 55303

framework
architects
7914 stafford trail
savage, mn 55378
ph. 612.220.3435

PRELIMINARY
Not For Construction
09.03.2013



ISSUE / TITLE:	DATE:
SITE PLAN SUBMITTAL	09.03.13
REVISION:	DATE:

CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

DOUGLAS T. FEICKERT
MN Registration No. 43028
Date: September 3, 2013

PROJECT NO.:
DRAWN BY:
CHECKED BY: DTF

SHEET TITLE:
AERIAL PHOTO OVERLAY

SHEET NUMBER:
SR-1

AERIAL PHOTO - SITE OVERLAY
SCALE: 1" = 50'
NORTH

Existing Building

Low Slope EPDM Membrane
Roof System

Insulated Glazing Panels in
Aluminum Frames

Prefinished Metal Wall Panels

Precast Concrete Wall Panels



**MOLIN CONCRETE PRODUCTS COMPANY
DEVELOPMENT PERMIT
CITY OF RAMSEY, ANOKA COUNTY, MINNESOTA**

THIS PERMIT, made and entered into by and between the **CITY OF RAMSEY**, a municipal corporation under the laws of the State of Minnesota (the "**CITY**"), and **MOLIN CONCRETE PRODUCTS COMPANY**, a business corporation (Domestic) under the laws of the State of Minnesota, whose address is 6820 143rd Ave NW, Ramsey, MN 55303 (the "**PERMITTEE**").

WITNESSETH:

WHEREAS, the **PERMITTEE** is the fee owner of the property generally known as 6820 143rd Ave NW, Ramsey, MN 55303, and legally described as follows:

The East half of Southeast quarter of Southwest quarter of Section 27, Township 32, Range 25, except that part described as follows:

Commencing at Northwest corner of said East half, thence South along west line of said East half 409.44 feet to point of beginning, thence East at right angle 11 feet, thence South at right angle 264 feet, thence West at right angle to West line of said East half, thence North along said West line to point of beginning, except road subject to easement of record, Anoka County, Minnesota

(the "**Subject Property**"); and

WHEREAS, on October 22, 2013 the **CITY** approved the final site plan for Molin Concrete Products Company on the **Subject Property**; and

WHEREAS, the **PERMITTEE** intends to cause the Required Improvements to the **Subject Property** to be constructed without financial participation by the **CITY**.

NOW, THEREFORE, the **CITY** and **PERMITTEE** agree as follows:

**SECTION I
REQUIRED IMPROVEMENTS AND FINANCIAL RESPONSIBILITIES**

1. **City Code Compliance.** The **CITY** approves the site plan (the "**Site Plan**") conditioned on the **PERMITTEE** developing the **Subject Property** in accordance with the applicable provisions of City Code.
2. **Conformance with Plan.** The **Site Plan** shall be developed pursuant to the plans prepared by Framework Architects, dated September 3, 2013, revised October 4, 2013, by Brown Herkenhoff Engineers-Surveyors dated May 31, 2001, and by Bock & Clark's National Surveyors Network/Northstar Surveying, Inc. dated August 7, 2008.
3. **Incorporation of All City Code Requirements.** That the recitals above and the applicable provisions of the City Charter, Subdivision Code, Zoning Code and Public Improvement Code of the **CITY**, as amended to date hereof, are incorporated herein by reference.

4. **State Building Code Compliance.** The structure(s) shall be constructed in accordance with the requirements of the Building Code.
5. **Fire Lanes.** Fire lanes shall be maintained on the **Subject Property**. The exact locations of these items on the **Subject Property** shall be as directed by the Fire Chief. The **PERMITTEE** herein agrees to post "No Parking" signs along private streets in accordance with City Code requirements and in conjunction with the instructions of the Fire Chief.
6. **Building Façade.** The **PERMITTEE** agrees to construct the building in accordance with the **Site Plan** prepared by Framework Architects dated September 3, 2013, revised October 4, 2013, and approved by the City Council on October 22, 2013 contingent upon compliance with the Staff Report dated September 27, 2013, revised October 18, 2013.
7. **Required Improvements.** The **PERMITTEE** shall construct and install the following site improvements on the **Subject Property** in accordance with the specifications and location as shown on the **Site Plan**. The Required Improvements are as follows:
 - a. Installation of bituminous surfacing around building addition in accordance with the Site Plan prepared by Framework Architects, dated September 3, 2013, revised October 4, 2013.
 - b. Installation of Landscaping in accordance with the Landscape Plan prepared by Framework Architects, dated September 3, 2013, revised October 4, 2013.
 - c. Establishment of turf in areas disturbed during construction and in accordance with the Site Plan.
 - d. Installation and removal of temporary erosion control measures.
 - e. Temporary and permanent erosion control.

("Required Improvements").

The **PERMITTEE** agrees to construct the Required Improvements according to the terms and conditions of this agreement, in accordance with **PERMITTEE's** plans submitted to the **CITY**, and in compliance with the Staff Report dated September 27, 2013, revised October 4, 2013.

8. **Required Improvements Completion Date.** The Required Improvements shall be completed on or before October 22, 2014.
9. **Required Improvements Financial Guarantee.** In order to ensure the installation of the Required Improvements in accordance with **CITY** specifications and in a timely manner, the **PERMITTEE** shall be required to deposit with the **CITY** a cash escrow or an irrevocable letter of credit, approved as to form by the **CITY**, in the amount of Six Thousand Dollars and No Cents. (**\$6,000.00**), which is 150% of the **CITY's** estimated cost of the Required Improvements. Prior to the issuance of the building permit, all financial guarantees must be provided as required herein.

Upon completion of the construction of the Required Improvements and written acceptance by the **CITY**, the financial guarantee shall be returned to the **PERMITTEE** and the **PERMITTEE** shall be required to provide the landscaping maintenance guarantee described in Item #13 of this Development Permit. The determination of completion of the construction of the Required Improvements shall be made by City Staff. In the event the **PERMITTEE** fails to construct and install the Required Improvements as required herein, the City Council may order the completion of the Required Improvements with **CITY** day labor and/or by letting contracts for said completion and draw upon the escrow for payment. Only the City Council shall have the authority to direct completion of the Required Improvements and withdraw from the escrow account. The **PERMITTEE** hereby grants permission

and a license to the **CITY** and/or its contractors and assigns to enter upon the Subject Property for the purpose of completing the construction and installation of the Required Improvements in the event of the **PERMITTEE**'s default.

10. **Inspection Fees.** The **PERMITTEE** shall be responsible for all inspection costs incurred by the **CITY** related to the installation of Required Improvements. The **PERMITTEE** shall make a cash deposit into the appropriate escrow account at the **CITY** and the **CITY** shall have the authority to draw upon these funds for the purpose of compensating for inspection services. The amount of the deposit shall be equal to five percent (5%) of the estimated cost of the Required Improvements, which equates to Three Hundred Dollars and No Cents (**\$300.00**) (5% x \$6,000.00). Upon completion of the Improvements to the satisfaction of the City, any surplus balance remaining in the **CITY**'s escrow account shall be refunded to the **PERMITTEE**.
11. **Development Fees.** All applicable development fees were satisfied with the original improvements to the **Subject Property**.

SECTION II PERMITS AND OCCUPANCY

12. **Requirements for Building Permits.** No building permit for any lot in the Plat shall be issued until:
(a) a Class 5 driving surface is installed to within 300 feet of the structure; (b) site plan approval is granted by the **CITY** and any expense incurred in giving site plan approval has been reimbursed to the **CITY**; (c) the Building Official has been provided with a copy of the approved site plan, signed by a registered architect or surveyor, showing all dimensions to scale; (d) the Plat has been recorded at Anoka County Property Records, (e) a Lower Rum River Watershed Management Organization Permit has been obtained, (f) all applicable development fees, as outlined in Exhibit A attached hereto, have been paid to the **CITY**. The **CITY** reserves the right to suspend all building activities upon the **CITY** being notified by an outside agency that the appropriate permit(s) was not obtained from the applicable agency. Approval of the building foundation requires a certificate of elevation signed by a licensed (State of Minnesota), professional land surveyor, verifying that the elevation is in accordance with the approved grading plan for the Plat. Foundation approvals will require a certificate of elevation verifying that the actual elevation is in compliance with the approved grading and drainage plan. The lowest floor elevation shall be at least two (2) feet above the 100 year elevation.

No occupancy permit for any lot in the Plat shall be issued until: (a) vehicular access to the lot is provided including the installation of at least one layer of bituminous surfacing; (b) all utilities are in place, operational and accepted by the **CITY**; and (c) for lots that have a slope of less than 2%, a certificate of grading, prepared by a licensed (State of Minnesota), professional land surveyor, must be provided to the **CITY** documenting that the flattest grade on this lot is 1% or greater.

SECTION IV LANDSCAPING

13. **Maintenance Guarantee for Landscaping.** It is herein agreed that the **PERMITTEE** shall provide a maintenance guarantee to ensure the survival of the plantings. Said maintenance guarantee shall consist of cash or an irrevocable letter of credit, approved as to form by the **CITY**, in the amount of Nine Hundred Dollars and No Cents (**900.00**) [# plantings (10 trees) x cost/planting (\$300/tree) x 30% average non-survival rate], which shall be in effect for a two (2) year period commencing on the date of the **CITY**'s written acceptance of said plantings as part of the Required Improvements.

At the end of the two (2) year period, the **PERMITTEE** shall contact the **CITY** to schedule a final inspection of the landscaping. The determination that all plantings that have been planted in accordance with the **Site Plan** have either survived or have been replaced shall be made by the Community Development Department. Upon approval of the final landscape inspection by the **CITY**, the maintenance guarantee shall be returned to the **PERMITTEE**. In the event the **PERMITTEE** fails to maintain the required plantings for a two (2) year period, the City Council may order the replacement of plantings with **CITY** day labor and/or by letting contracts and draw upon the escrow for payment. Only the City Council shall have the authority to direct replacement of the plantings and withdraw from the escrow account. The **PERMITTEE** hereby grants permission and a license to the **CITY** and/or its contractors and assigns to enter upon the **Subject Property** for the purpose of replacing plantings in the event of the **PERMITTEE** default.

SECTION V GENERAL

14. **Boulevard and Area Restoration.** The **PERMITTEE** shall be responsible for restoring all areas disturbed by the development grading operation in accordance with the approved erosion and sediment control plan. The **PERMITTEE** shall also be responsible for the cost of cleaning any soil, earth or debris from the wetlands within and adjacent to this **Site Plan** resulting from grading performed in the development of the land.
15. **Construction Site Maintenance.** The **PERMITTEE** shall adhere to all **CITY** ordinances relating to, but not limited to, dumping of garbage, site development, construction debris, open burning, etc.
16. **Estimated Cost.** It is understood and agreed that cost amounts set forth in this Agreement as Required Improvements, unless specified as fixed amounts, are estimated. The **PERMITTEE** agrees to pay the entire cost of said improvements including interest, engineering and legal charges.
17. **Site Plan Approval Expenses.** The **PERMITTEE** agrees that it will pay to the **CITY** all **CITY** expenses incurred in the approval of the **Site Plan**, including, but not limited to administration expenses, engineering and legal fees. Said expenses shall be paid within fifteen (15) days of billing by the **CITY** and outstanding billings shall be paid prior to issuance of the building permit. Any expenses incurred after the release of the building permit shall also be paid within said fifteen (15) day billing period. Failure to pay the **CITY**'s expenses within the fifteen (15) day billing period will permit the **CITY** to draw upon any of the escrows required by this contract for payment.
18. **Reimbursement to the City.** The **PERMITTEE** agrees to reimburse the **CITY** for all costs incurred by the **CITY** in defense or enforcement of this Agreement, or any portion thereof, including court costs and reasonable engineering and attorney's fees.
19. **Invalidity of Any Section.** If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not effect or void any of the other provisions of this Agreement.
20. **Proof of Authority.** When the **PERMITTEE** is a corporation, the **CITY** requires proof of authority by the corporation to execute this Agreement. This proof of authority may be satisfied by providing the **CITY** with a certified copy of minutes of the corporate Board of Directors granting such authority.
21. **Violation of This Permit.** If the **PERMITTEE** fails to perform any of the terms of this Development Permit in the manner required by the **CITY**, the **CITY** shall be entitled to recover, from the **PERMITTEE** or the issuer of **PERMITTEE** financial guarantee, the full amount of any and all

STATE OF MINNESOTA)
)
COUNTY OF) ss.

The foregoing was acknowledged before me this ____ day of _____, 2013, by _____, the _____ of Molin Concrete Products Company, a Business Corporation (Domestic) under the laws of the State of Minnesota, on behalf of the corporation.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

REVIEWED BY:
Ratwik, Roszak & Maloney
730 Second Ave. S. Suite 300
Minneapolis, MN 55402

DRAFT

October 18, 2013

Molin Concrete Products Company
Attn: Matt Westgaard
415 Lilac Street
Lino Lakes, MN 55014

Re: Site Plan Review—Molin Concrete Products Company Building Expansion

Dear Mr. Westgaard:

The City of Ramsey has received your application for Site Plan Review to construct a 10,000 square foot addition to an existing building located at 6820 143rd Ave NW. As you know, the Planning Commission has recommended City Council approval of the Site Plan contingent upon the following:

- Required amendments as outlined in the attached Staff Report dated September 27, 2013.
- Execution of a Development Permit (draft included)

Please note: this is only a recommendation that is subject to review and final decision by the City Council.

A copy of the Staff Report and draft Development Permit are attached for your review. The City Council will review the request on **Tuesday, October 22nd, at 7:00 p.m.** at the Ramsey Municipal Center in the Council Chambers. City Staff is placing this item on the City Council Consent Agenda and thus, it will not be specifically discussed (unless it is pulled from the Consent Agenda and added to the Regular Agenda, which is not expected but could happen). Nonetheless, you, or a representative of the project, are encouraged to attend this meeting. Please contact me at your earliest convenience prior to the meeting to verify if you will be attending. Assuming the Site Plan request is approved by City Council, prior to issuance of a Building Permit, all items identified in the Staff Review File dated September 27, 2013 and revised on October 18, 2013 must be addressed and an authorized agent of Molin Concrete Products Company will need to sign three (3) copied of the Development Permit.

Please let me know if you have any questions or concerns. I can be reached at (763) 433-9905 or by email at canderson@ci.ramsey.mn.us.

Sincerely,

CITY OF RAMSEY

Chris Anderson
Associate Planner/Environmental Coordinator

Enclosures

Cc: Framework Architects, Attn: Doug Feickert, 7914 Stafford Trail, Savage, MN 55378

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

DATE	9-27-13 REVISED 10-18-13	PROJECT ADDRESS	6820 143 RD AVENUE NW
PROJECT. TITLE	MOLIN CONCRETE PRODUCTS COMPANY-SITE PLAN REVIEW		
ESCROW #	113792		
DEPARTMENT:	Planning		
TECHNICAL REVIEWER:	Name: Tina Goodroad Phone: 651-967-4537 Email: tina.goodroad@stantec.com		

We offer the following comments regarding your request for site plan review approval.

General: The request is for Site Plan Review approval to begin concrete product production on site with a 10,000 sq. ft. addition to the existing 60,092 sq. ft. existing facility (former Oldcastle Precast). The applicant is proposing this use located at 6820 143rd Avenue NW.

Zoning: The subject property is zoned E-2 Employment District. The intent of this district is to accommodate general industrial activities. The E-2 District allows manufacturing uses as a permitted use. The site plan indicates an existing area for outdoor storage at the southwest portion of the site. This outdoor storage meets the accessory use limits of 30% of the property and will remain within these perimeters with the additional 10,000 sq. ft.

Site Plan: The applicant is proposing a 10,000 square foot expansion to the east wall of the existing building in an area presently covered with an impervious surface. The building addition will accommodate expansion of the existing manufacturing uses. Access to the site will be unchanged and there appears to be no impact to existing landscaping areas. Full drive circulation will be provided around the building and its expansion. Existing loading docks will remain.

The site meets the E-2 standards for lot size, lot area, lot width and impervious surface. The building addition meets all required building and parking setback requirements.

Parking: Required parking is based on the proposed use. The expansion includes 10,000 square feet of additional manufacturing space. The zoning ordinance requires one space for each 1,000 square feet of industrial or ten (10) additional parking spaces above the sixty (60) required for the existing building. The site has sixty-seven (67) existing parking stalls along north property line where seventy (70) are required. However, the revised plans also indicate ten (10) proof of parking stalls, which Staff finds acceptable based on the proposed use of the expansion area.

Landscaping: One (1) new tree per every 1,000 square feet of building addition is required. Based on the proposed addition, ten (10) trees must be planted across the site. Deciduous trees shall be

*Review File:
Molin Concrete Site Plan Review
10-18-13
Page 2 of 2*

at least 2.5 inches in diameter and evergreen trees must be at least six (6) feet in height. The proposed landscape plan meets all requirements.

Building Elevations: The elevation plans for the proposed addition indicate the use of smooth face precast concrete wall panels that will abut existing ribbed precast concrete wall panels. Colors are not indicated, however, the details state that the metal panels shall match the color and profile of the existing metal panels. The east elevation (most visible from a public street) includes an overhead door, small windows at the top and prefinished metal wall panels for accenting above the windows.

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

DATE	SEPTEMBER 27, 2013 REVISED OCTOBER 18, 2013	PROJECT ADDRESS	6820 143 RD AVE NW
PROJECT. TITLE	MOLIN CONCRETE PRODUCTS COMPANY		
ESCROW #	113792		
DEPARTMENT:	Engineering		
TECHNICAL REVIEWER:	Name: Leonard Linton Phone: 763 433-9834 Email: llinton@ci.ramsey.mn.us		

The plans reviewed consist of 7 pages prepared by Framework Architects, dated August 20, 2013 stamped preliminary, 4 pages prepared by Brown Herkenhoff Engineers-Surveyors dated May 31, 2001, 2 pages prepared by Bock & Clark's National Surveyors Network/ Northstar Surveying, Inc. dated August 7, 2008

We offer the following comments regarding your request for an application to expand the building:

General: The property is 19.79 acres with a 60,000 sf. industrial building, The applicant is proposing to add a 10,000 sf. building addition constructed over existing pavement. This project is not creating new impervious area so the storm water utility charge will not change. The new disturbed area is less than 1 acre so a Lower Rum River WMO permit is not required.

Grading, Drainage and Erosion Control: The current submittal does not include a grading, drainage and erosion control plan. *A plan will be required prior to issuing the building permit. The plan must show existing and proposed grades and drainage patterns, location of erosion control devices to protect existing storm sewers and ponds, and notes for storm water pollution prevention.*

4.01.1: Planning Commission Meeting Minutes Dated September 5, 2013

Motion by Commissioner VanScoy, seconded by Commissioner Maul, to approve the following minutes as presented: Planning Commission Meeting Minutes dated September 5, 2013.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners VanScoy, Maul, Bauer, Brauer, Field, and Nosan. Voting No: None. Absent: None.

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: Consider Request for Site Plan approval for a Building Expansion on the Property Located at 6820 143rd Avenue NW; Case of Molin Concrete Products Company

Presentation

Planning Consultant Goodroad presented the staff report noting Molin Concrete Products Company was requesting Site Plan approval to begin concrete product production on site with a 10,000 square foot addition to the existing 60,092 square foot facility located at 6820 143rd Avenue NW. Staff discussed the plans in further detail and recommended the Commission approve the Site Plan contingent upon compliance with the City Staff Review File dated September 27, 2013.

Commission Business

Matt Westgard, Molin Concrete Products Company, thanked the Commission for considering his request this evening and for the thorough report from staff. He explained the intent of the building expansion would be to match the exterior of the current building.

Motion by Commissioner Bauer, seconded by Commissioner Maul, to recommend that City Council approve the Site Plan submittal contingent upon compliance with the City Staff Review File dated September 27, 2013.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Maul, Brauer, Field, Nosan, and VanScoy. Voting No: None. Absent: None.

5.02: Public Hearing: Request for Sketch Plan Review and Preliminary Plat Approval for Brookfield 4th Addition; Case of Capstone Homes

Public Hearing

Chairperson Levine called the public hearing to order at 7:15 p.m.

Presentation

CC Regular Session

4. 7.

Meeting Date: 10/22/2013

By: Jim Way, Police

Information

Title

Introduce Ordinance to Amend City Code relating to the Business Registration Certificate

Purpose/Background:

The purpose of this case would be to amend the City's Code to reflect the current process for Business Registration Certificate submittal.

Staff would like to make some minor changes to the Business Registration Certificate Ordinance (BRC). Items in the existing ordinance that are no longer current as to how the City operates. The BRC is not submitted to the "zoning administrator" as the ordinance states. The Police Department currently administers the BRC program. The definitions are previously stated at the beginning of section. The suggested amendments are basically housekeeping items; however, it requires ordinance introduction and adoption as that is the process for amending City Code.

Requested changes are attached to this case with a strike through of deleted items and additions in red type.

Funding Source:

None required

Recommendation:

Staff recommends making the minor changes to the existing City Code that covers the Business Registration Certificate. Staff recommends not listing who the administrator of the program is so that if it changes, the ordinance/code does not have to be changed again.

Action:

Introduce ordinance to amend City Code relating to the Business Registration Certificate.

Attachments

BRC Revisions

Ordinance 13 24

Form Review

Inbox	Reviewed By	Date
Jo Thieling	Jo Thieling	10/15/2013 12:46 PM
Jim Way (Originator)	Jo Thieling	10/15/2013 03:15 PM
Kurt Ulrich	Kurt Ulrich	10/17/2013 03:00 PM
Kurt Ulrich	Kurt Ulrich	10/17/2013 03:00 PM
Form Started By: Jim Way		Started On: 10/15/2013 11:13 AM
Final Approval Date: 10/17/2013		

PART II - CODE OF ORDINANCES
Chapter 26 - LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE III. - BUSINESS REGISTRATION CERTIFICATE

ARTICLE III. - BUSINESS REGISTRATION CERTIFICATE

[Sec. 26-60. - Definitions.](#)

[Sec. 26-61. - Violation.](#)

[Sec. 26-62. - Purpose.](#)

[Sec. 26-63. - General requirements.](#)

[Sec. 26-64. - Required application information.](#)

[Sec. 26-65. - Issuance of business registration certificate.](#)

[Secs. 26-66—26-88. - Reserved.](#)

Sec. 26-60. - Definitions.

City Code Section 117-1 (Definitions) is hereby incorporated into this Article

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Business* means an establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.~~

~~*Zoning administrator* means the city's community development department.~~

(Code 1978, § 7.20.01, subd. 2; Ord. No. 03-12, 6-2-2003; Ord. No. 04-45, 12-27-2004)

Sec. 26-61. - Violation.

Any person who violates any of the provisions of this article is guilty of a petty misdemeanor.

(Code 1978, § 7.20.01, subd. 6; Ord. No. 03-12, 6-2-2003; Ord. No. 04-45, 12-27-2004)

Sec. 26-62. - Purpose.

The purpose of this article is to establish a process for the city to obtain and maintain current information on all businesses located in the city. The obtained information will allow the city to be informed as to current occupancy and occupancy changes within buildings, permit the city to update and review records regarding emergency contact lists, fire preplan, inspection, and hazardous materials. The information will permit the city to verify that any business intending to operate within the city shall comply with the state building code, the state fire code, and local Code requirements. The city police department will be notified of any hazards or security issues that may affect the community's health, safety and welfare.

(Code 1978, § 7.20.01, subd. 1; Ord. No. 03-12, 6-2-2003; Ord. No. 04-45, 12-27-2004)

PART II - CODE OF ORDINANCES
Chapter 26 - LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE III. - BUSINESS REGISTRATION CERTIFICATE

Sec. 26-63. - General requirements.

- (a) *Certificate.* No person or entity shall operate any business in the city without first obtaining a business registration certificate (BRC) issued by the city.
- (b) *Application.* The applicant shall provide such information as required on forms furnished by the city. The completed form shall be submitted to the ~~city zoning administrator~~ **city zoning administrator**. The application shall be filed with the ~~city zoning administrator~~ 30 days prior to any business's intended occupancy, or 30 days prior to the existing BRC's expiration date.
- (c) *Term.* A BRC shall be effective from January 1 to December 31 of each year, unless otherwise provided in this Code.
- (d) *Renewal.* No BRC shall be automatically renewed. Applications for renewal shall be submitted to the zoning administrator prior to the BRC's expiration date.
- (e) *Display.* Any person to whom a BRC is issued pursuant to this article shall be required to display the BRC at the business or entity in public view.
- (f) *Fees.* The BRC fee required shall be established by ordinance. When an existing BRC holder changes its name but does not substantially change its business operations, the applicant shall reapply for a new BRC, however no additional BRC fee shall be required. Any business licensed under the provisions of this Code shall be exempt from such fee.

(Code 1978, § 7.20.01, subd. 3; Ord. No. 03-12, 6-2-2003; Ord. No. 04-45, 12-27-2004)

Sec. 26-64. - Required application information.

- (a) The application for a BRC shall contain the following information:
 - (1) Name of proposed business.
 - (2) Address of business (including suite number, if applicable).
 - (3) Phone number of business.
 - (4) Business fax.
 - (5) Business website/email address.
 - ~~(6) Zoning district where the business is located.~~
 - (7) Key holder contact information.
 - (8) Type of business operation.
 - (9) Building owner's name, address, and phone numbers.
 - (10) Amount of flammable/combustible liquid storage on the business site.
 - (11) Amount of hazardous materials storage on the business site.
 - (12) Amount of explosive material or ammunition on the business site.
 - ~~(13) Unique operation or design of the business.~~
 - (14) Hours of operation.
 - (15) Name of alarm company **and dispatch phone number** serving the business site.
 - ~~(16) Alarm status (audible, silent).~~
 - (17) Type of alarm system on the business site (water flow, burglar, glass break).

PART II - CODE OF ORDINANCES

Chapter 26 - LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE III. - BUSINESS REGISTRATION CERTIFICATE

(18) Any other information the city may find necessary to accomplish the purpose of this article.

- (b) Applications must be returned to the zoning administrator within 30 days of receipt of the application. Applicants who do not return application within the required time period will be considered in violation of this article and will be subject to prosecution in accordance with [section 26-61](#)

(Code 1978, § 7.20.01, subd. 4; Ord. No. 03-12, 6-2-2003; Ord. No. 04-45, 12-27-2004)

Sec. 26-65. - Issuance of business registration certificate.

Upon completion and approval of the following, the city will issue a BRC to the business:

- (1) Receipt of a complete BRC application;
- (2) City review of the BRC application; and
- (3) Verification that the business complies with this Code, state building code, and the state fire code.

(Code 1978, § 7.20.01, subd. 5; Ord. No. 03-12, 6-2-2003; Ord. No. 04-45, 12-27-2004)

Secs. 26-66—26-88. - Reserved.

ORDINANCE #13-24

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

AN ORDINANCE AMENDING CHAPTER 26 OF THE CITY CODE, WHICH CHAPTER IS KNOWN AS LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS.

AN ORDINANCE DELETING THE DEFINITIONS LANGUAGE IN SECTION 26-60 AND AMENDING SECTION 26-63 GENERAL REQUIREMENTS AND SECTION 26-64 REQUIRED APPLICATION INFORMATION.

The City of Ramsey Ordains:

SECTION 1 AUTHORITY

This ordinance is adopted pursuant to and under the authority of the City Charter of the City of Ramsey.

SECTION 2 AMENDMENT

The current City Code Section 26-60, 26-63(B) and 26-64 (6), (13) and (16) 34-21 is hereby amended as follows:

Sec. 26-60. – Definitions.

Delete all language under 26-60 Definitions and replace it with the following:

City Code Section 117-1 (Definitions) is hereby incorporated into this Article.

Sec. 26-63. – General requirements.

(b) *Application.* The applicant shall provide such information as required on forms furnished by the city. The completed form shall be submitted to the city. The application shall be filed with the city 30 days prior to any business's intended occupancy, or 30 days prior to the existing BRC's expiration date.

Sec. 26-64. – Required application information.

Delete the following:

- (6) Zoning district where the business is located.
- (13) Unique operation or design of the business
- (16) Alarm status (audible, silent)

SECTION 3. SUMMARY

The following is the official summary of Ordinance #13-24, which has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

It is the intent and effect of Ordinance #13-24 to delete definitions in Sec. 26-60 and note that the Definitions in 117-1 are incorporated. Delete reference to submitting application to the zoning administrator and amend it to state that applications will be submitted to the city. Delete the request for the zoning district where the business is located, whether or not it is a unique operation or design of business and whether or not the alarm is audible or silent. This more clearly defines the current process followed for Business Registration Certificates.

SECTION 4. EFFECTIVE DATE

The effective date of this Ordinance is thirty (30) days after its passage and publication, subject to City Charter Section 5.06.

Adopted by the Ramsey City Council this the ____ day of _____, 2013.

Mayor Sarah Strommen

ATTEST:

City Clerk Jo Ann M. Thieling

- Introduction Date:**
- Posting Dates:**
- Adoption Date**
- Publication Date:**
- Effective Date:**

CC Regular Session

4. 8.

Meeting Date: 10/22/2013

By: Jackie Lipski, Finance

Information

Title

Adopt Resolution #13-10-181 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of October 3, 2013 through October 16, 2013

Funding Source:

N/A

Action:

Motion to Adopt Resolution #13-10-181 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of October 3, 2013 through October 16, 2013.

Attachments

Bills List 10/22/2013

Res 10 22 13

Form Review

Inbox	Reviewed By	Date
Diana Lund	Diana Lund	10/16/2013 12:25 PM
Kurt Ulrich	Kurt Ulrich	10/17/2013 02:50 PM
Form Started By: Jackie Lipski		Started On: 10/16/2013 10:40 AM
Final Approval Date: 10/17/2013		

RAMSEY CITY COUNCIL MEETING
10/22/2013
BILLS LIST

DISBURSEMENTS TO BE APPROVED THIS MEETING:

DISBURSEMENT TYPE:	<u>SUBMITTED FOR APPROVAL</u>
Purchase Journal:	
Prepays 10/3/13-10/16/13	599,956.28
Accounts Payable 10/3/13-10/16/13	157,253.09
Payroll 10/10/13	112,081.29
Pay Estimates- Projects	435,860.63

TOTAL SUBMITTED FOR APPROVAL THIS MEETING

\$ 1,305,151.29

<u>DISBURSEMENTS PREVIOUSLY APPROVED AND PAID:</u>	<u>APPROVED PREV. MTG</u>	<u>2012 Y.T.D.</u>
NET PAYROLL TOTAL	\$ 120,276.93	\$ 2,424,111.28
- CORRECTION TO PAYROLL		
PREPAIDS		
- PREPAID ADJUSTMENTS	298,845.09	12,323,756.83
WIRE TRANSFERS FOR DEBT SERVICE		983,210.01
- CORRECTION TO D.S.		
ACCOUNTS PAYABLE INVOICING - PREVIOUS MEETING:		
- BILLS LIST SUBMITTED	85,118.14	3,511,440.69
ADD (DELETE) BILLS LIST SUBMITTED		
PAY ESTIMATE(S)		493,743.90
- CHECKS VOIDED	0.00	0.00

TOTAL CASH DISBURSEMENTS PREVIOUSLY APPROVED

\$ 504,240.16 \$ 19,736,262.71

CITY OF RAMSEY
Council Check Register by GL
Council Check Register and Summary

10/3/2013 -- 12/13/2013

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
92630	10/3/2013		113522 ALLIANCE TITLE LLC						
		253.15	UB REFUND 7040 147TH AVE		69346	092713	9601.4651		WATER REVENUE
		<u>253.15</u>							
92631	10/3/2013		100026 ANDERSON IRRIGATION						
		2,181.26	RE: NORTH COMMONS		69347	07-4320	0452.6249		MISCELLANEOUS OPERA
		<u>2,181.26</u>							
92632	10/3/2013		100948 ANOKA COUNTY LICENSE CENTER						
		1,541.15	TITLE/TABS 334		69348	100313	0211.6249	00000334	MISCELLANEOUS OPERA
		<u>1,541.15</u>							
92633	10/3/2013		113837 BELL, MARK AND DANIELLE						
		1.50	UB REFUND 14791 COBALT # 15		69349	092713	9601.4651		WATER REVENUE
		<u>1.50</u>							
92634	10/3/2013		113838 BUCKLEY, SARA						
		4.39	UB REFUND 15368 IODINE ST		69350	092713	9601.4651		WATER REVENUE
		<u>4.39</u>							
92635	10/3/2013		113839 CARLSON, DAVID						
		3.03	UB REFUND 18032 BARIUM ST		69351	092713	9601.4651		WATER REVENUE
		<u>3.03</u>							
92636	10/3/2013		100297 CENTERPOINT ENERGY						
		887.91	7550 SUNWOOD DR		69352	6702493-5AUG13	0194.6373		GAS
		<u>887.91</u>							
92637	10/3/2013		110734 CITY OF RAMSEY						
		100.00	632055811		69353	100313	9601.4651		WATER REVENUE
		13.73	722996		69353	100313	9601.4651		WATER REVENUE
		67.79	54734490		69353	100313	9601.4651		WATER REVENUE
		100.00	718833		69353	100313	9601.4651		WATER REVENUE
		<u>281.52</u>							
92638	10/3/2013		100870 EDINA REALTY TITLE						
		55.55	UB REFUND 8310 159TH LN		69354	092713	9601.4651		WATER REVENUE
		252.76	UB REFUND 5713 160TH LANE		69355	092713A	9601.4651		WATER REVENUE
		<u>308.31</u>							
92639	10/3/2013		113840 FORMOSA PROPERTIES						
		3.51	UB REFUND 14587 OLIVINE WAY		69356	092713	9601.4651		WATER REVENUE
		<u>3.51</u>							
92640	10/3/2013		113561 HOME TITLE INC						
		248.18	UB REFUND 5515 149TH LN		69357	092713	9601.4651		WATER REVENUE
		<u>248.18</u>							
92641	10/3/2013		113841 JOHNSON, DANIEL						
		15.65	UB REFUND 15801 ANDRIE ST		69358	092713	9601.4651		WATER REVENUE
		<u>15.65</u>							
92642	10/3/2013		100722 LATOUR VINYL						
		246.88	33 HELMET NAMES		69359	071513	0220.6231		UNIFORMS & TURN-OUT
		<u>246.88</u>							

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Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
92643	10/3/2013		111865 LIBERTY TITLE INC						Continued.
		496.82	UB REFUND 14371 POTASSIUM ST		69360	092713	9601.4651		WATER REVENUE
		413.04	UB REFUND 7631 147TH LN		69361	092713A	9601.4651		WATER REVENUE
		219.30	UB REFUND 15341 YAKIMA		69362	092713B	9601.4651		WATER REVENUE
		53.71	UB REFUND 14645 RHINESTONE ST		69363	092713C	9601.4651		WATER REVENUE
		18.28	UB REFUND 15142 ZUNI ST		69364	092713D	9601.4651		WATER REVENUE
		<u>1,201.15</u>							
92644	10/3/2013		113842 LUONG, DUU						
		18.06	UB REFUND 14651 FLUORINE ST		69365	092713	9601.4651		WATER REVENUE
		<u>18.06</u>							
92645	10/3/2013		111999 MEADOW CREEK BUILDERS INC						
		23.66	UB REFUND 5734 152ND WAY		69366	092713	9601.4651		WATER REVENUE
		<u>23.66</u>							
92646	10/3/2013		113843 NORTON, BRET						
		27.77	UB REFUND 14362 TUNGSTEN WAY		69369	092713	9601.4651		WATER REVENUE
		<u>27.77</u>							
92647	10/3/2013		112465 NORTH AMERICAN TITLE CO						
		162.88	UB REFUND 7820 RIVERDALE RD		69367	092713	9601.4651		WATER REVENUE
		<u>162.88</u>							
92648	10/3/2013		113690 NORTH TITLE INC, ESCROW ACCT						
		486.62	UB REFUND 7674 147TH LN		69368	092713	9601.4651		WATER REVENUE
		<u>486.62</u>							
92649	10/3/2013		113844 PETERSON, BARRY						
		43.21	UB REFUND 15565 SODIUM WAY		69370	092713	9601.4651		WATER REVENUE
		<u>43.21</u>							
92650	10/3/2013		109867 RES SPECIALTY PYROTECHNICS						
		6,000.00	HAPPY DAYS 13 FIREWORKS		69371	15421	0296.6249		MISCELLANEOUS OPERA
		<u>6,000.00</u>							
92651	10/3/2013		113845 ROBIDEAU, JESSIE						
		6.07	UB REFUND 15227 FLUORINE ST		69372	092713	9601.4651		WATER REVENUE
		<u>6.07</u>							
92652	10/3/2013		112647 STEFFENS, BRIAN						
		215.19	REFUND DUPLICATE PYMT		69373	092713	9601.4651		WATER REVENUE
		<u>215.19</u>							
92653	10/3/2013		107087 TREND SETTER HOMES INC						
		1,500.00	REFUND ERO ESC 16772 LIMONITE		69374	113714	9804.6433	00113714	REFUNDS
		<u>1,500.00</u>							
92654	10/3/2013		111084 UNIVERSITY OF MINNESOTA						
		230.00	MN DOT RECERT-MADSEN/MCDOWALL		69375	100313	9101.1550		PREPAID EXPENSE
		<u>230.00</u>							
92655	10/8/2013		102953 AMERIGAS OF ANOKA						
		97.60	PROPANE		69376	41858560	0311.6267		OTHER STREET MAINTEN
		<u>97.60</u>							

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Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
92656	10/8/2013		101295 DAHLBERG, MIKE						Continued.
		379.96	REFUND ESC BAL. 113639		69377	113639	9804.6433	00113639	REFUNDS
		<u>379.96</u>							
92657	10/8/2013		100179 FIRE FIGHTERS RELIEF ASSN						
		142,721.92	STATE AID/ CITY CONT 2013		69383	100413	9101.4273		OTHER STATE GRANTS &
		13,500.00	STATE AID/CITY CONT 2013		69383	100413	0220.6104		PART TIME-WAGES & SAI
		3,708.00	STATE AID/CITY CONT 2013		69383	100413	9101.4327		SPECIAL FIRE PROTECTI
		<u>159,929.92</u>							
92658	10/8/2013		107962 GENESIS EMPLOYEE BENEFITS						
		210.70	VEBA/FLEX FEES SEPT 13		69379	20592	9101.2176		LIFE/HEALTH-EMPLOYEE
		63.00	VEBA/FLEX FEES SEPT 13		69379	20592	0130.6315		MISCELLANEOUS PROFE
		<u>273.70</u>							
92659	10/8/2013		100510 VERIZON WIRELESS						
		40.01	AUG- SEPT 13 BILLING		69380	9711909828	0111.6249		MISCELLANEOUS OPERA/
		64.41	AUG- SEPT 13 BILLING		69380	9711909828	0130.6323		CELLULAR PHONES
		<u>104.42</u>							
92723	10/10/2013		107962 GENESIS EMPLOYEE BENEFITS						
		3,809.65			69385	10091313244110	9101.2176		LIFE/HEALTH-EMPLOYEE
		<u>3,809.65</u>							
92724	10/10/2013		106564 BLUE CROSS BLUE SHIELD						
		49,769.50	INSURANCE NOV 2013		69398	LOG41-E1 5 NOV 2013	9101.2176		LIFE/HEALTH-EMPLOYEE
		<u>49,769.50</u>							
92725	10/10/2013		100297 CENTERPOINT ENERGY						
		34.01	MISC CITY ACCOUNTS		69399	8000014064-AUG1 3	0452.6373		GAS
		38.24	MISC CITY ACCOUNTS		69399	8000014064-AUG1 3	0311.6373		GAS
		81.96	MISC CITY ACCOUNTS		69399	8000014064-AUG1 3	0220.6373		GAS
		12.75	MISC CITY ACCOUNTS		69399	8000014064-AUG1 3	9601.6373		GAS
		12.75	MISC CITY ACCOUNTS		69399	8000014064-AUG1 3	9602.6373		GAS
		12.74	MISC CITY ACCOUNTS		69399	8000014064-AUG1 3	9605.6373		GAS
		<u>192.45</u>							
92726	10/10/2013		110734 CITY OF RAMSEY						
		38.04	37442761		69400	100913	9601.4651		WATER REVENUE
		600.00	720553		69400	100913	9601.4651		WATER REVENUE
		68.31	627812255		69400	100913	9601.4651		WATER REVENUE
		77.34	721063		69400	100913	9601.4651		WATER REVENUE
		<u>783.69</u>							
92727	10/10/2013		100116 CONNEXUS ENERGY						
		532.37	TRAFFIC LIGHTS		69401	759126-303100SE PT 13	0260.6371		ELECTRIC UTILITIES
		10,363.64	STREET LIGHTS		69402	759126-303101SE PT 13	9603.6371		ELECTRIC UTILITIES

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Council Check Register by GL
Council Check Register and Summary

10/3/2013 -- 12/13/2013

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
92727	10/10/2013		100116 CONNEXUS ENERGY						Continued.
		90.78	CITY SIRENS		69403	759126-303095SE PT13	0250.6371		ELECTRIC UTILITIES
		445.68	MISC PWACCOUNTS		69404	759126-303106SE PT13	0311.6371		ELECTRIC UTILITIES
		2,806.73	MISC PWACCOUNTS		69404	759126-303106SE PT13	0452.6371		ELECTRIC UTILITIES
		148.56	MISC PWACCOUNTS		69404	759126-303106SE PT13	9601.6371		ELECTRIC UTILITIES
		148.56	MISC PWACCOUNTS		69404	759126-303106SE PT13	9602.6371		ELECTRIC UTILITIES
		148.55	MISC PWACCOUNTS		69404	759126-303106SE PT13	9605.6371		ELECTRIC UTILITIES
		18,508.09	WTR TWR/WELLS/LIFT STAT		69405	759126-303102SE PT 13	9601.6371		ELECTRIC UTILITIES
		642.03	WTR TWR/WELLS/LIFT STAT		69405	759126-303102SE PT 13	9602.6371		ELECTRIC UTILITIES
		<u>33,834.99</u>							
92728	10/10/2013		113862 FIELDSTONE FAMILY HOMES INC						
		1,500.00	REFUND ERO ESC 14686 SODIUM ST		69406	113732	9804.6433	00113732	REFUNDS
		5,000.00	REFUND LAND ESC 14686 SODIUM S		69407	100913	9252.1155.1		MANUAL-ACCOUNTS REI
		<u>6,500.00</u>							
92729	10/10/2013		113863 HOMES OF INFLUENCE LLC						
		1,500.00	REFUND ERO ESC 7279 147TH LANE		69411	113627	9804.6433	00113627	REFUNDS
		1,500.00	REFUND ERO ESC 7263 147TH LANE		69412	101013	9804.6433	00113626	REFUNDS
		<u>3,000.00</u>							
92730	10/10/2013		113860 JESKA, SHEILA						
		100.00	REFUND DAM/KEY DEP 33896		69408	100913	9804.1160		KEY & DAMAGE DEPOSIT
		55.00	REFUND DAM/KEY DEP 33896		69408	100913	9804.1160		KEY & DAMAGE DEPOSIT
		<u>155.00</u>							
92731	10/10/2013		111501 LANDFORM PROFESSIONAL SERVICES						
		81,500.00	FINAL INCENTIVE PAY-RES AT COR		69413	100913	9468.6315		MISCELLANEOUS PROFE
		<u>81,500.00</u>							
92732	10/10/2013		106570 MBPTA						
		150.00	SEM. JARSON/OKERSTROM		69409	100813	0240.6335		TRAINING
		<u>150.00</u>							
92733	10/10/2013		100291 MET COUNCIL SAC						
		104,705.00	SEPT 2013 SAC CHARGES		69410	100913	9602.2083		SAC CHARGES
		1,047.05-	SEPT 2013 SAC CHARGES		69410	100913	9602.4356		SEWER AVAILABILITY CH
		<u>103,657.95</u>							
92734	10/15/2013		100404 CENTURYLINK						
		65.35	SEPT/OCT 13 BILLING		69466	763 422-1452 795 SEPT 13	0452.6321		TELEPHONE
		326.78	OCT 2013 SERVICE		69467	612 E34-0544 018 OCT13	0192.6321		TELEPHONE
		305.76	OCT 2013 SERVICE		69468	612 E34-0549 596 OCT13	0192.6321		TELEPHONE
		305.76	OCT 2013 SERVICE		69469	612 E34-0550 637 OCT13	0192.6321		TELEPHONE

CITY OF RAMSEY
 Council Check Register by GL
 Council Check Register and Summary

10/3/2013 -- 12/13/2013

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
92734	10/15/2013		100404 CENTURYLINK						Continued.
		1,003.65							
92735	10/15/2013		100116 CONNEXUS ENERGY						
		2,067.01	MISC CITY ACCOUNTS		69470	759126-303107SE PT 13	0220.6371		ELECTRIC UTILITIES
		14,502.72	MISC CITY ACCOUNTS		69470	759126-303107SE PT 13	0194.6371		ELECTRIC UTILITIES
		174.49	MISC CITY ACCOUNTS		69470	759126-303107SE PT 13	0194.6371		ELECTRIC UTILITIES
		84.03	MISC CITY ACCOUNTS		69470	759126-303107SE PT 13	9230.6371		ELECTRIC UTILITIES
		3,855.46	MISC CITY ACCOUNTS		69470	759126-303107SE PT 13	9240.6371		ELECTRIC UTILITIES
		116.33	MISC CITY ACCOUNTS		69470	759126-303107SE PT 13	0295.6371		ELECTRIC UTILITIES
		40.03	MISC CITY ACCOUNTS		69470	759126-303107SE PT 13	9410.6371	00041018	ELECTRIC UTILITIES
		809.58	MISC CITY ACCOUNTS		69470	759126-303107SE PT 13	9410.6371	00041012	ELECTRIC UTILITIES
		21,649.65							
92736	10/15/2013		111137 WRIGHT HENNEPIN COOPERATIVE ELECTRIC						
		29.87	7550 SUNWOOD DR PD		69471	150-1682-6501 SEPT 13	0211.6489		OTHER CONTRACTED SE
		26.67	7650 SUNWOOD DR-RAMP		69472	150-1681-4280 SEPT13	9240.6315		MISCELLANEOUS PROFE
		26.67	7550 SUNWOOD DR CITY HALL		69473	150-1681-6340 SEPT 13	0194.6489		OTHER CONTRACTED SE
		29.87	6701 HWY 10- YOUTH FIRST		69474	150-1687-1105 SEPT 13	9410.6315	00041012	MISCELLANEOUS PROFE
		113.08							
92737	10/15/2013		100043 ANOKA COUNTY PROPERTY RECORDS TAXATION						
		261.94	REAL 35-32-25-31-0018		69518	101513	9295.6315		MISCELLANEOUS PROFE
		261.94							
92738	10/15/2013		100442 SHADE TREE CONSTRUCTION						
		1,500.00	REFUND ERO ESC 6891 170TH AVE		69519	113646	9804.6433	00113646	REFUNDS
		1,500.00							
90264769	10/10/2013		100398 PUBLIC EMPLOYEES RETIREMENT ASSN						
		12,717.08			69394	1009131324417	9101.2174		PERA-EMPLOYEE
		16,883.91			69395	1009131324418	9101.2183		PERA-EMPLOYER
		29,600.99							
91018968	10/10/2013		100113 BANK OF THE WEST						
		18,499.45			69384	1009131324411	9101.2171		FEDERAL WITHHOLDING
		8,775.11			69389	1009131324412	9101.2173		FICA & MEDICARE-EMPL
		8,775.11			69390	1009131324413	9101.2182		FICA & MEDICARE-EMPL
		36,049.67							
93244288	10/10/2013		100601 MN DEPT OF REV WH						
		7,730.11			69396	1009131324419	9101.2172		STATE WITHHOLDING
		7,730.11							

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99101051	10/10/2013		111465 STATE STREET BANK						Continued.
		2,634.00			69387	10091313244112	9101.2175		DEFERRED COMPENSAT
		<u>2,634.00</u>							
99101054	10/10/2013		111465 STATE STREET BANK						
		3,990.78			69388	10091313244113	9101.2176		LIFE/HEALTH-EMPLOYEE
		<u>3,990.78</u>							
99101413	10/15/2013		108768 COMDATA NETWORK INC						
		27.01	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0220.6223	00000563	GASOLINE
		11.02	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0220.6223	00000564	GASOLINE
		109.02	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0311.6223	00000353	GASOLINE
		50.02	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0194.6223	00000403	GASOLINE
		51.71	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0311.6223	00000405	GASOLINE
		69.73	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0220.6225	00000565	DIESEL FUEL
		35.23	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0220.6223	00000557	GASOLINE
		61.94	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0220.6225	00000560	DIESEL FUEL
		30.15	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0220.6223	00000563	GASOLINE
		30.26	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0220.6223	00000563	GASOLINE
		61.87	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0220.6223	00000564	GASOLINE
		26.50	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0220.6223	00000566	GASOLINE
		52.01	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0220.6223	00000566	GASOLINE
		50.00	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0220.6223	00000566	GASOLINE
		50.00	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0452.6223	00000665	GASOLINE
		91.80	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0452.6223	00000674	GASOLINE
		69.41	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0452.6223	00000674	GASOLINE
		70.21	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0452.6223	00000675	GASOLINE
		86.51	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0452.6223	00000678	GASOLINE
		99.88	BILL'S SUPERETTE		69461	SEPT13 COMDATA FUEL	0452.6223	00000678	GASOLINE
		87.99	CASEYS GEN STORE		69461	SEPT13 COMDATA FUEL	0452.6223	00000654	GASOLINE
		74.80	CASEYS GEN STORE		69461	SEPT13 COMDATA FUEL	0452.6223	00000641	GASOLINE
		105.07	CASEYS GEN STORE		69461	SEPT13 COMDATA FUEL	0452.6223	00000678	GASOLINE
		97.83	CASEYS GEN STORE		69461	SEPT13 COMDATA	0311.6223	00000680	GASOLINE

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99101413	10/15/2013		108768 COMDATA NETWORK INC						Continued.
						FUEL			
		55.10	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0311.6223	00000405	GASOLINE
						FUEL			
		92.19	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0452.6223	00000664	GASOLINE
						FUEL			
		50.00	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0452.6223	00000665	GASOLINE
						FUEL			
		57.41	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0452.6223	00000675	GASOLINE
						FUEL			
		73.23	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0311.6223	00000680	GASOLINE
						FUEL			
		41.84	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0194.6223	00000403	GASOLINE
						FUEL			
		40.71	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0240.6223	00000406	GASOLINE
						FUEL			
		41.65	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0240.6223	00000406	GASOLINE
						FUEL			
		108.93	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0452.6223	00000654	GASOLINE
						FUEL			
		44.31	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0194.6223	00000404	GASOLINE
						FUEL			
		107.63	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0452.6223	00000653	GASOLINE
						FUEL			
		76.86	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0301.6223	00000402	GASOLINE
						FUEL			
		41.25	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0240.6223	00000406	GASOLINE
						FUEL			
		52.78	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0240.6223	00000401	GASOLINE
						FUEL			
		83.17	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0301.6223	00000638	GASOLINE
						FUEL			
		51.04	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0240.6223	00000401	GASOLINE
						FUEL			
		42.26	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0194.6223	00000404	GASOLINE
						FUEL			
		61.22	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0240.6223	00000401	GASOLINE
						FUEL			
		79.34	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0194.6223	00000410	GASOLINE
						FUEL			
		84.27	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0194.6223	00000410	GASOLINE
						FUEL			
		53.55	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0220.6225	00000501	DIESEL FUEL
						FUEL			
		55.32	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0220.6225	00000556	DIESEL FUEL
						FUEL			
		55.19	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0220.6225	00000556	DIESEL FUEL
						FUEL			
		64.44	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0220.6223	00000558	GASOLINE
						FUEL			
		64.12	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0220.6223	00000563	GASOLINE
						FUEL			
		45.91	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0220.6223	00000564	GASOLINE
						FUEL			
		69.39	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0220.6223	00000564	GASOLINE

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99101413	10/15/2013		108768 COMDATA NETWORK INC						Continued.
						FUEL			
		76.00	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0220.6223	00000564	GASOLINE
						FUEL			
		89.38	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0452.6223	00000664	GASOLINE
						FUEL			
		78.36	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0452.6223	00000675	GASOLINE
						FUEL			
		75.01	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0452.6223	00000675	GASOLINE
						FUEL			
		107.14	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0311.6223	00000676	GASOLINE
						FUEL			
		134.42	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0311.6223	00000676	GASOLINE
						FUEL			
		140.17	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0311.6223	00000676	GASOLINE
						FUEL			
		41.65	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0452.6223	00000678	GASOLINE
						FUEL			
		83.01	SHELL OIL		69461	SEPT13 COMDATA	0220.6223	00000564	GASOLINE
						FUEL			
		77.01	SUPERAMERICA		69461	SEPT13 COMDATA	0311.6223	00000353	GASOLINE
						FUEL			
		80.70	SUPERAMERICA		69461	SEPT13 COMDATA	0301.6223	00000638	GASOLINE
						FUEL			
		95.70	SUPERAMERICA		69461	SEPT13 COMDATA	0311.6223	00000680	GASOLINE
						FUEL			
		96.04	SUPERAMERICA		69461	SEPT13 COMDATA	0311.6223	00000680	GASOLINE
						FUEL			
		44.56	BILL'S SUPERETTE		69461	SEPT13 COMDATA	0211.6223	00000351	GASOLINE
						FUEL			
		22.38	BILL'S SUPERETTE		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE
						FUEL			
		36.24	BILL'S SUPERETTE		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		38.17	BILL'S SUPERETTE		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		19.00	BILL'S SUPERETTE		69461	SEPT13 COMDATA	0211.6223	00000321	GASOLINE
						FUEL			
		60.44	BILL'S SUPERETTE		69461	SEPT13 COMDATA	0211.6223	00000322	GASOLINE
						FUEL			
		34.71	CASEYS GEN STORE		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE
						FUEL			
		28.74	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE
						FUEL			
		32.16	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE
						FUEL			
		21.12	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		39.88	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		42.97	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		46.01	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000364	GASOLINE
						FUEL			
		31.36	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE

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99101413	10/15/2013		108768 COMDATA NETWORK INC							
						FUEL				
		25.88	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE	
						FUEL				
		29.17	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE	
						FUEL				
		47.76	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE	
						FUEL				
		27.78	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE	
						FUEL				
		28.04	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE	
						FUEL				
		24.63	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE	
						FUEL				
		43.23	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE	
						FUEL				
		38.90	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE	
						FUEL				
		20.59	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE	
						FUEL				
		78.78	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000321	GASOLINE	
						FUEL				
		20.00	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000321	GASOLINE	
						FUEL				
		18.03	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000321	GASOLINE	
						FUEL				
		52.93	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000322	GASOLINE	
						FUEL				
		46.81	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000322	GASOLINE	
						FUEL				
		17.75	HOLIDAY STNSTORE		69461	SEPT13 COMDATA	0211.6223	00000386	GASOLINE	
						FUEL				
		41.89	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000365	GASOLINE	
						FUEL				
		49.59	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000364	GASOLINE	
						FUEL				
		45.65	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000364	GASOLINE	
						FUEL				
		52.05	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000364	GASOLINE	
						FUEL				
		41.65	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000365	GASOLINE	
						FUEL				
		21.89	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE	
						FUEL				
		29.41	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE	
						FUEL				
		23.53	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE	
						FUEL				
		25.90	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE	
						FUEL				
		36.24	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE	
						FUEL				
		16.83	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE	
						FUEL				
		29.03	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE	

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						FUEL			
		48.84	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE
						FUEL			
		23.67	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE
						FUEL			
		18.98	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE
						FUEL			
		26.59	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE
						FUEL			
		27.90	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE
						FUEL			
		26.81	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE
						FUEL			
		39.65	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000301	GASOLINE
						FUEL			
		25.31	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000302	GASOLINE
						FUEL			
		52.18	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000302	GASOLINE
						FUEL			
		39.37	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000302	GASOLINE
						FUEL			
		49.36	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000302	GASOLINE
						FUEL			
		47.47	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000302	GASOLINE
						FUEL			
		32.42	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000302	GASOLINE
						FUEL			
		37.66	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000302	GASOLINE
						FUEL			
		17.60	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000303	GASOLINE
						FUEL			
		25.39	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000303	GASOLINE
						FUEL			
		27.29	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000303	GASOLINE
						FUEL			
		28.31	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000303	GASOLINE
						FUEL			
		32.60	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000303	GASOLINE
						FUEL			
		26.36	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000303	GASOLINE
						FUEL			
		10.42	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000303	GASOLINE
						FUEL			
		37.58	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000303	GASOLINE
						FUEL			
		45.45	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000303	GASOLINE
						FUEL			
		49.10	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000303	GASOLINE
						FUEL			
		43.03	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		19.47	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		41.27	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE

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99101413	10/15/2013		108768 COMDATA NETWORK INC						Continued.
						FUEL			
		35.58	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		38.09	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		33.10	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		36.68	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		29.08	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		30.62	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		35.37	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		55.08	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		40.38	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		29.34	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		39.27	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		13.19	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		24.41	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		26.92	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		40.44	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000316	GASOLINE
						FUEL			
		22.46	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		31.05	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		28.11	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		49.10	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		38.07	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		25.38	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		28.05	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		40.59	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		15.13	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		29.39	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		31.67	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		18.84	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE

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99101413	10/15/2013		108768 COMDATA NETWORK INC						Continued.
						FUEL			
		37.87	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		16.11	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		22.48	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		39.29	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		33.36	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		38.65	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		30.18	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		36.48	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		53.97	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000317	GASOLINE
						FUEL			
		26.16	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		37.49	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		37.06	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		29.13	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		36.88	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		21.24	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		39.28	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		25.20	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		37.03	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		39.91	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		36.54	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		26.78	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000321	GASOLINE
						FUEL			
		26.77	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000321	GASOLINE
						FUEL			
		67.68	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000321	GASOLINE
						FUEL			
		14.87	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000321	GASOLINE
						FUEL			
		23.94	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000321	GASOLINE
						FUEL			
		17.84	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000321	GASOLINE
						FUEL			
		29.74	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000321	GASOLINE

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99101413	10/15/2013		108768 COMDATA NETWORK INC						Continued.
						FUEL			
		19.79	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000322	GASOLINE
						FUEL			
		42.86	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000322	GASOLINE
						FUEL			
		40.82	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000322	GASOLINE
						FUEL			
		45.24	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000322	GASOLINE
						FUEL			
		65.74	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000386	GASOLINE
						FUEL			
		70.53	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000386	GASOLINE
						FUEL			
		73.58	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000386	GASOLINE
						FUEL			
		61.45	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000386	GASOLINE
						FUEL			
		64.60	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000386	GASOLINE
						FUEL			
		81.16	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000386	GASOLINE
						FUEL			
		6.46	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000386	GASOLINE
						FUEL			
		46.21	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000386	GASOLINE
						FUEL			
		63.97	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	0211.6223	00000386	GASOLINE
						FUEL			
		56.00	PETRO 59 TRAVEL STORE		69461	SEPT13 COMDATA	0211.6223	00000376	GASOLINE
						FUEL			
		42.70	SHELL OIL		69461	SEPT13 COMDATA	0211.6223	00000364	GASOLINE
						FUEL			
		39.00	SHELL OIL		69461	SEPT13 COMDATA	0211.6223	00000364	GASOLINE
						FUEL			
		53.17	SHELL OIL		69461	SEPT13 COMDATA	0211.6223	00000376	GASOLINE
						FUEL			
		51.00	SPEEDWAY		69461	SEPT13 COMDATA	0211.6223	00000376	GASOLINE
						FUEL			
		48.95	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000375	GASOLINE
						FUEL			
		48.72	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000375	GASOLINE
						FUEL			
		44.53	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000302	GASOLINE
						FUEL			
		33.12	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000302	GASOLINE
						FUEL			
		30.64	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		46.64	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		21.05	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000318	GASOLINE
						FUEL			
		35.00	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000321	GASOLINE
						FUEL			
		30.00	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000321	GASOLINE

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99101413	10/15/2013		108768 COMDATA NETWORK INC						Continued.
						FUEL			
		22.00	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000322	GASOLINE
						FUEL			
		37.08	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000322	GASOLINE
						FUEL			
		33.20	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000322	GASOLINE
						FUEL			
		55.84	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000322	GASOLINE
						FUEL			
		49.51	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000376	GASOLINE
						FUEL			
		56.02	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000376	GASOLINE
						FUEL			
		51.90	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000386	GASOLINE
						FUEL			
		60.00	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000386	GASOLINE
						FUEL			
		55.94	SUPERAMERICA		69461	SEPT13 COMDATA	0211.6223	00000386	GASOLINE
						FUEL			
		71.84	BILL'S SUPERETTE		69461	SEPT13 COMDATA	9601.6223	00000667	GASOLINE
						FUEL			
		83.00	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	9601.6223	00000667	GASOLINE
						FUEL			
		67.46	LITTLE DUKES RAMSEY		69461	SEPT13 COMDATA	9601.6223	00000667	GASOLINE
						FUEL			
		305.16	DOUBLE TREE , ANDERSON		69464	SEPT13 COMDATA	0191.6331		TRAVEL & LODGING
						PCARD			
		582.13	BRENNTAG GREAT LAKES , BRAY		69464	SEPT13 COMDATA	0194.6259		BUILDING MAINT/REPAIR
						PCARD			
		52.21	WAL-MART , BRAY		69464	SEPT13 COMDATA	0111.6249		MISCELLANEOUS OPER/
						PCARD			
		703.36	ARMAMENT SYSTEMS PROCE , FRANK		69464	SEPT13 COMDATA	0211.6207		TRAINING SUPPLIES
						PCARD			
		27.52	AMAZON MKTPLACE PMTS , FREDRIC		69464	SEPT13 COMDATA	0130.6208		MISCELLANEOUS OFFICI
						PCARD			
		23.21	AMAZON MKTPLACE PMTS , FREDRIC		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		23.22	AMAZON MKTPLACE PMTS , FREDRIC		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		4.81	AMAZON MKTPLACE PMTS , FREDRIC		69464	SEPT13 COMDATA	0130.6208		MISCELLANEOUS OFFICI
						PCARD			
		40.70	CRUCIAL.COM , FREDRICKSON		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		19.20	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0130.6208		MISCELLANEOUS OFFICI
						PCARD			
		23.12	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		106.85	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		12.42	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		32.05	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		1.00	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E

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						PCARD			
		277.85	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		555.71	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		22.57	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		2.69	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		30.14	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		5.05	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		22.57	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		2.69	WWW.NEWEGGBUSINESS.COM , FREDR		69464	SEPT13 COMDATA	0192.6281		SMALL TOOLS & MINOR E
						PCARD			
		167.06	KAHLER GRAND HOTEL , GLADHILL		69464	SEPT13 COMDATA	0191.6331		TRAVEL & LODGING
						PCARD			
		11.99	OFFICE DEPOT , GLADHILL		69464	SEPT13 COMDATA	0191.6208		MISCELLANEOUS OFFICI
						PCARD			
		4.49	OFFICE DEPOT , GLADHILL		69464	SEPT13 COMDATA	0191.6208		MISCELLANEOUS OFFICI
						PCARD			
		11.98	OFFICE DEPOT , GLADHILL		69464	SEPT13 COMDATA	0191.6208		MISCELLANEOUS OFFICI
						PCARD			
		2.07	OFFICE DEPOT , GLADHILL		69464	SEPT13 COMDATA	0191.6208		MISCELLANEOUS OFFICI
						PCARD			
		34.43	COWBOY JACKS , KAPLER		69464	SEPT13 COMDATA	0220.6249		MISCELLANEOUS OPERA/
						PCARD			
		73.35	PERKINS REST , KAPLER		69464	SEPT13 COMDATA	0220.6249		MISCELLANEOUS OPERA/
						PCARD			
		70.54	AAA CLUB/INSUR 0470590 , KATER		69464	SEPT13 COMDATA	0280.6241		COMMUNITY POLICING S
						PCARD			
		256.07	BLUE VELVET , KATERS		69464	SEPT13 COMDATA	0211.6249		MISCELLANEOUS OPERA/
						PCARD			
		51.93	COBORN'S , KATERS		69464	SEPT13 COMDATA	0220.6249		MISCELLANEOUS OPERA/
						PCARD			
		67.19	DAYS INN , KATERS		69464	SEPT13 COMDATA	0211.6335		TRAINING
						PCARD			
		54.95	ENDEKA WIRELESS FBI , KATERS		69464	SEPT13 COMDATA	0211.6335		TRAINING
						PCARD			
		79.95	ENDEKA WIRELESS FBI , KATERS		69464	SEPT13 COMDATA	0211.6335		TRAINING
						PCARD			
		106.39	FAIRFIELD INN-DANVILLE , KATER		69464	SEPT13 COMDATA	0211.6335		TRAINING
						PCARD			
		215.00	FBINAA SESSION SUPPORT , KATER		69464	SEPT13 COMDATA	0211.6335		TRAINING
						PCARD			
		83.65	HMC ELECTRONICS , KATERS		69464	SEPT13 COMDATA	0211.6239		FIRST AID SUPPLIES
						PCARD			
		.84	HMC ELECTRONICS , KATERS		69464	SEPT13 COMDATA	0211.6239		FIRST AID SUPPLIES
						PCARD			
		234.80	INNOVATIVE PRODUCTS , KATERS		69464	SEPT13 COMDATA	0211.6281		SMALL TOOLS & MINOR E
						PCARD			
		102.00	MARINE CORP , KATERS		69464	SEPT13 COMDATA	0211.6335		TRAINING

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						PCARD			
		56.72	WALMART.COM , KATERS		69464	SEPT13 COMDATA	0211.6237		CRIME SCENE KIT MATEI
						PCARD			
		30.71	WALMART.COM , KATERS		69464	SEPT13 COMDATA	0211.6237		CRIME SCENE KIT MATEI
						PCARD			
		42.73	WILLIAMSON-DICKIE , KATERS		69464	SEPT13 COMDATA	0211.6237		CRIME SCENE KIT MATEI
						PCARD			
		5.96	COBORN'S , KOHNER		69464	SEPT13 COMDATA	0220.6249		MISCELLANEOUS OPERA
						PCARD			
		133.70	DO ALL PRINTING , KOHNER		69464	SEPT13 COMDATA	0220.6489		OTHER CONTRACTED SE
						PCARD			
		47.90	NFPA NATL FIRE PROTECT , KOHNE		69464	SEPT13 COMDATA	0220.6489		OTHER CONTRACTED SE
						PCARD			
		20.40	NFPA NATL FIRE PROTECT , KOHNE		69464	SEPT13 COMDATA	0220.6489		OTHER CONTRACTED SE
						PCARD			
		20.41	NFPA NATL FIRE PROTECT , KOHNE		69464	SEPT13 COMDATA	0220.6489		OTHER CONTRACTED SE
						PCARD			
		14.64	NFPA NATL FIRE PROTECT , KOHNE		69464	SEPT13 COMDATA	0220.6489		OTHER CONTRACTED SE
						PCARD			
		20.40	NFPA NATL FIRE PROTECT , KOHNE		69464	SEPT13 COMDATA	0220.6489		OTHER CONTRACTED SE
						PCARD			
		30.16	NFPA NATL FIRE PROTECT , KOHNE		69464	SEPT13 COMDATA	0220.6489		OTHER CONTRACTED SE
						PCARD			
		11.09	NFPA NATL FIRE PROTECT , KOHNE		69464	SEPT13 COMDATA	0220.6489		OTHER CONTRACTED SE
						PCARD			
		22.03	NFPA NATL FIRE PROTECT , KOHNE		69464	SEPT13 COMDATA	0220.6489		OTHER CONTRACTED SE
						PCARD			
		9.57	NFPA NATL FIRE PROTECT , KOHNE		69464	SEPT13 COMDATA	0220.6489		OTHER CONTRACTED SE
						PCARD			
		144.63	CELLULAR EXPERTS RAMSEY , LASH		69464	SEPT13 COMDATA	0301.6323		CELLULAR PHONES
						PCARD			
		144.63	CELLULAR EXPERTS RAMSEY , LASH		69464	SEPT13 COMDATA	0311.6323		CELLULAR PHONES
						PCARD			
		69.63	PAYPAL *BERKAT1977 , LASHER		69464	SEPT13 COMDATA	0111.6315		MISCELLANEOUS PROFE
						PCARD			
		69.63	PAYPAL *BERKAT1977 , LASHER		69464	SEPT13 COMDATA	0301.6315		MISCELLANEOUS PROFE
						PCARD			
		300.00	SURVEYMONKEY.COM , LASHER		69464	SEPT13 COMDATA	0130.6452		SUBSCRIPTIONS
						PCARD			
		238.30	JEFF STEIN SNAPON , RIEMER		69464	SEPT13 COMDATA	0311.6281		SMALL TOOLS & MINOR I
						PCARD			
		1,070.18	JEFF STEIN SNAPON , RIEMER		69464	SEPT13 COMDATA	0311.6281		SMALL TOOLS & MINOR I
						PCARD			
		57.32	JOHNSTON AUTOM , RIEMER		69464	SEPT13 COMDATA	0311.6257		OTHER VEHICLE PARTS
						PCARD			
		576.00	M&M EXPRESS-BIG LAKE , RIEMER		69464	SEPT13 COMDATA	0452.6257		OTHER VEHICLE PARTS
						PCARD			
		48.08	M&M EXPRESS-BIG LAKE , RIEMER		69464	SEPT13 COMDATA	0452.6281		SMALL TOOLS & MINOR I
						PCARD			
		103.97	SQ *JOHNS AUTO ELECTRIC , RIEMER		69464	SEPT13 COMDATA	0311.6257		OTHER VEHICLE PARTS
						PCARD			
		235.00	U OF M CCE NONCREDIT , RIEMER		69464	SEPT13 COMDATA	0311.6335		TRAINING
						PCARD			
		150.00	U OF M CCE NONCREDIT , RIEMER		69464	SEPT13 COMDATA	0311.6335		TRAINING

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99101413	10/15/2013		108768 COMDATA NETWORK INC						Continued.
						PCARD			
		156.22	USA TRAFFIC SIGNS , RIEMER		69464	SEPT13 COMDATA	0260.6249		MISCELLANEOUS OPERA
						PCARD			
		74.76	INTERSTATE ALL BATTERY , SCHIF		69464	SEPT13 COMDATA	0211.6251		BATTERIES
						PCARD			
		3.96	MENARDS COON RAPIDS , SCHIFERL		69464	SEPT13 COMDATA	0211.6249		MISCELLANEOUS OPERA
						PCARD			
		110.97	MENARDS COON RAPIDS , SCHIFERL		69464	SEPT13 COMDATA	0211.6249		MISCELLANEOUS OPERA
						PCARD			
		209.58	MENARDS COON RAPIDS , SCHIFERL		69464	SEPT13 COMDATA	0211.6249		MISCELLANEOUS OPERA
						PCARD			
		10.47	MENARDS COON RAPIDS , SCHIFERL		69464	SEPT13 COMDATA	0211.6249		MISCELLANEOUS OPERA
						PCARD			
		32.94	MENARDS COON RAPIDS , SCHIFERL		69464	SEPT13 COMDATA	0211.6249		MISCELLANEOUS OPERA
						PCARD			
		26.21	MENARDS COON RAPIDS , SCHIFERL		69464	SEPT13 COMDATA	0211.6249		MISCELLANEOUS OPERA
						PCARD			
		57.98	MENARDS ELK RIVER , SCHIFERLI		69464	SEPT13 COMDATA	0211.6249		MISCELLANEOUS OPERA
						PCARD			
		119.88	MENARDS ELK RIVER , SCHIFERLI		69464	SEPT13 COMDATA	0211.6249		MISCELLANEOUS OPERA
						PCARD			
		25.98	MENARDS ELK RIVER , SCHIFERLI		69464	SEPT13 COMDATA	0211.6249		MISCELLANEOUS OPERA
						PCARD			
		14.01	MENARDS ELK RIVER , SCHIFERLI		69464	SEPT13 COMDATA	0211.6249		MISCELLANEOUS OPERA
						PCARD			
		49.27	BACHMAN'S INC #0002 , THIELING		69464	SEPT13 COMDATA	0130.6249		MISCELLANEOUS OPERA
						PCARD			
		54.38	MAMA DE LUCAS PIZZERIA , THIEL		69464	SEPT13 COMDATA	0111.6249		MISCELLANEOUS OPERA
						PCARD			
		34.65	BOS TAXI 0609 , ULRICH		69464	SEPT13 COMDATA	0130.6331		TRAVEL & LODGING
						PCARD			
		39.74	FALLS CAFE , ULRICH		69464	SEPT13 COMDATA	0130.6249		MISCELLANEOUS OPERA
						PCARD			
		39.09	HAMPSHIRE HOUSE , ULRICH		69464	SEPT13 COMDATA	0130.6331		TRAVEL & LODGING
						PCARD			
		10.65	HYNES AUBONPAIN 41 , ULRICH		69464	SEPT13 COMDATA	0130.6331		TRAVEL & LODGING
						PCARD			
		14.83	HYNES AUBONPAIN 41 , ULRICH		69464	SEPT13 COMDATA	0130.6331		TRAVEL & LODGING
						PCARD			
		24.87	SHERATON BOSTON DINING , ULRIC		69464	SEPT13 COMDATA	0130.6331		TRAVEL & LODGING
						PCARD			
		889.25	SHERATON BOSTON HOTEL , ULRICH		69464	SEPT13 COMDATA	0130.6331		TRAVEL & LODGING
						PCARD			
		296.43	SHERATON BOSTON HOTEL , ULRICH		69464	SEPT13 COMDATA	0130.6331		TRAVEL & LODGING
						PCARD			
		39.10	SQ *AIR PORTER WORLDWIDE , ULR		69464	SEPT13 COMDATA	0130.6331		TRAVEL & LODGING
						PCARD			
		20.00	SUBWAY HYNES CONVNTN , ULRICH		69464	SEPT13 COMDATA	0130.6331		TRAVEL & LODGING
						PCARD			
		22.79	THE COLONIAL INN-REST , ULRICH		69464	SEPT13 COMDATA	0130.6331		TRAVEL & LODGING
						PCARD			
		9.58	TOSSED , ULRICH		69464	SEPT13 COMDATA	0130.6331		TRAVEL & LODGING
						PCARD			
		118.35	TWIN CITIES AIRPORT TAXI , ULR		69464	SEPT13 COMDATA	0130.6331		TRAVEL & LODGING

CITY OF RAMSEY

Council Check Register by GL
Council Check Register and Summary

10/3/2013 -- 12/13/2013

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
99101413	10/15/2013		108768 COMDATA NETWORK INC						Continued.
						PCARD			
		78.00	WESTIN COPLEY PLACE , ULRICH		69464	SEPT13 COMDATA	0130.6331		TRAVEL & LODGING
						PCARD			
		9.49	OFFICE MAX , WIEMANN		69464	SEPT13 COMDATA	0211.6208		MISCELLANEOUS OFFICI
						PCARD			
		9.49	OFFICE MAX , WIEMANN		69464	SEPT13 COMDATA	0211.6208		MISCELLANEOUS OFFICI
						PCARD			
		9.49	OFFICE MAX , WIEMANN		69464	SEPT13 COMDATA	0211.6208		MISCELLANEOUS OFFICI
						PCARD			
		2.03	OFFICE MAX , WIEMANN		69464	SEPT13 COMDATA	0211.6208		MISCELLANEOUS OFFICI
						PCARD			
		21.97	THE UPS STORE , WIEMANN		69464	SEPT13 COMDATA	0211.6249		MISCELLANEOUS OPERA
						PCARD			
		186.74	STROBES N'MORE , KATERS		69464	SEPT13 COMDATA	0230.6249		MISCELLANEOUS OPERA
						PCARD			
		103.78	COBORN'S , BRAMA		69464	SEPT13 COMDATA	9295.6249		MISCELLANEOUS OPERA
						PCARD			
		7.98	COBORN'S , BRAMA		69464	SEPT13 COMDATA	9295.6249		MISCELLANEOUS OPERA
						PCARD			
		187.29	COBORN'S , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		11.97	COBORN'S , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		17.91	COBORN'S , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		18.45	COBORN'S , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		120.16	DOMINO'S , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		195.00	ISD 15 COMM EDUCATION , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		.99	MENARDS COON RAPIDS , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		.99	MENARDS COON RAPIDS , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		2.97	MENARDS COON RAPIDS , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		14.97	MENARDS COON RAPIDS , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		22.44	MENARDS COON RAPIDS , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		22.68	MENARDS COON RAPIDS , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		40.56	MENARDS COON RAPIDS , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		7.52	MENARDS COON RAPIDS , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		134.98	SUBWAY , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		1.98	THE HOME DEPOT , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		1.98	THE HOME DEPOT , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		1.98	THE HOME DEPOT , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA

CITY OF RAMSEY
 Council Check Register by GL
 Council Check Register and Summary

10/3/2013 -- 12/13/2013

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
99101413	10/16/2013		108768 COMDATA NETWORK INC						Continued.
						PCARD			
		1.98	THE HOME DEPOT , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		1.98	THE HOME DEPOT , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		1.98	THE HOME DEPOT , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		2.18	THE HOME DEPOT , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		2.38	THE HOME DEPOT , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		2.38	THE HOME DEPOT , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		2.38	THE HOME DEPOT , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		1.68	THE HOME DEPOT , BRAMA		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		35.00	ACAPULCO MEXICAN RESTA, RIEME		69464	SEPT13 COMDATA	0300.6249		MISCELLANEOUS OPERA
						PCARD			
		34.26	BILL'S SUPERETTE , RIEMER		69464	SEPT13 COMDATA	0300.6249		MISCELLANEOUS OPERA
						PCARD			
		42.80	BLUE VELVET , RIEMER		69464	SEPT13 COMDATA	0300.6249		MISCELLANEOUS OPERA
						PCARD			
		50.00	FURNITURE & THINGS , RIEMER		69464	SEPT13 COMDATA	0300.6249		MISCELLANEOUS OPERA
						PCARD			
		25.00	GINGER CAFE' , RIEMER		69464	SEPT13 COMDATA	0300.6249		MISCELLANEOUS OPERA
						PCARD			
		35.00	INSTYLE NAILS INC , RIEMER		69464	SEPT13 COMDATA	0300.6249		MISCELLANEOUS OPERA
						PCARD			
		35.00	LILY PAD CERAMICS , RIEMER		69464	SEPT13 COMDATA	0300.6249		MISCELLANEOUS OPERA
						PCARD			
		75.00	MENARDS COON RAPIDS , RIEMER		69464	SEPT13 COMDATA	0300.6249		MISCELLANEOUS OPERA
						PCARD			
		25.00	MENARDS COON RAPIDS , RIEMER		69464	SEPT13 COMDATA	0300.6249		MISCELLANEOUS OPERA
						PCARD			
		25.00	STORCHAK - RAMSEY , RIEMER		69464	SEPT13 COMDATA	0300.6249		MISCELLANEOUS OPERA
						PCARD			
		75.00	TARGET , RIEMER		69464	SEPT13 COMDATA	0300.6249		MISCELLANEOUS OPERA
						PCARD			
		75.00	TARGET , RIEMER		69464	SEPT13 COMDATA	0300.6249		MISCELLANEOUS OPERA
						PCARD			
		19.95	COBORN'S , SCHIFERLI		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		43.81	COBORN'S , SCHIFERLI		69464	SEPT13 COMDATA	0296.6249		MISCELLANEOUS OPERA
						PCARD			
		76.87	BURGER KING , ANDERSON		69464	SEPT13 COMDATA	9604.6249		MISCELLANEOUS OPERA
						PCARD			
		27.72	COBORN'S , ANDERSON		69464	SEPT13 COMDATA	9604.6249		MISCELLANEOUS OPERA
						PCARD			
		127.25-			69464	SEPT13 COMDATA	9101.2082		SALES/USE TAX PAYABLE
						PCARD			
		12.01-			69464	SEPT13 COMDATA	9290.2082		SALES/USE TAX PAYABLE

CITY OF RAMSEY
Council Check Register by GL
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Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description
99101413	10/15/2013		108768 COMDATA NETWORK INC						Continued.
		22,852.37				PCARD			
99101513	10/15/2013		107885 DEPARTMENT OF LABOR AND INDUSTRY						
		10,241.84	SEPT13 SURCHARGE		69397	SEPT13SURCHARGE	9101.2081		SURCHARGES-PERMITS
		408.08	SEPT13 SURCHARGE		69397	SEPT13SURCHARGE	9101.4604		SURCHARGES
		9,833.76							
99101613	10/16/2013		100629 MN DEPT OF REV SALES TX						
		175.03	SEPT13 SALES/USE/TRAN TAX		69517	SEPT13 SALES/USE/TRAN TAX	9101.2082		SALES/USE TAX PAYABLE
		312.00	SEPT13 SALES/USE/TRAN TAX		69517	SEPT13 SALES/USE/TRAN TAX	9101.4304		RENTAL FEES - REAL PR
		312.00	SEPT13 SALES/USE/TRAN TAX		69517	SEPT13 SALES/USE/TRAN TAX	9101.4305		RENTAL FEES
		29.00	SEPT13 SALES/USE/TRAN TAX		69517	SEPT13 SALES/USE/TRAN TAX	9101.4305		RENTAL FEES
		7.13	SEPT13 SALES/USE/TRAN TAX		69517	SEPT13 SALES/USE/TRAN TAX	9101.4308		SALES OF MAPS & PUBLI
		.48	SEPT13 SALES/USE/TRAN TAX		69517	SEPT13 SALES/USE/TRAN TAX	9101.4609		OTHER MISCELLANEOUS
		12.01	SEPT13 SALES/USE/TRAN TAX		69517	SEPT13 SALES/USE/TRAN TAX	9290.2082		SALES/USE TAX PAYABLE
		30.94	SEPT13 SALES/USE/TRAN TAX		69517	SEPT13 SALES/USE/TRAN TAX	9297.2082		SALES/USE TAX PAYABLE
		221.41	SEPT13 SALES/USE/TRAN TAX		69517	SEPT13 SALES/USE/TRAN TAX	9601.2082		SALES/USE TAX PAYABLE
		476.00							
99846969	10/10/2013		100223 ICMA RETIREMENT TRUST 457						
		2,230.40			69391	1009131324414	9101.2175		DEFERRED COMPENSAT
		2,230.40							
		599,956.28	Grand Total						

Payment Instrument Totals	
Check Total	484,558.20
Transfer Total	115,398.08
Total Payments	599,956.28

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CITY OF RAMSEY
Create Payment Control Groups

Bank Account 00002224 CASH IN BANK
Version LOGIS003V
Originator JLIPSKI
Payment Instrument Check Payment
Pay Through Date 12/31/2013

Payee		Stub	Document			Due	Invoice	Payment	
Number	Name / Mailing Address	Message	Ty	Number	Itm	Co	Date	Number	Amount
100012	ACE SOLID WASTE INC	MISC CITY ACCOUNTS OCT 13	PV	69414	001	09101	10/1/2013	0010791222	159.02
	ACE SOLID WASTE INC	MISC CITY ACCOUNTS OCT 13	PV	69414	002	09101	10/1/2013	0010791222	102.00
	6601 MCKINLEY STREET NW RAMSEY MN 55303	MISC CITY ACCOUNTS OCT 13	PV	69414	003	09101	10/1/2013	0010791222	231.08
		MISC CITY ACCOUNTS OCT 13	PV	69414	004	09101	10/1/2013	0010791222	101.73
		MISC CITY ACCOUNTS OCT 13	PV	69414	005	09101	10/1/2013	0010791222	33.91
		MISC CITY ACCOUNTS OCT 13	PV	69414	006	09101	10/1/2013	0010791222	33.91
		MISC CITY ACCOUNTS OCT 13	PV	69414	007	09101	10/1/2013	0010791222	33.91
		MISC CITY ACCOUNTS OCT 13	PV	69414	008	09101	10/1/2013	0010791222	31.09
Summary Total									726.65
Payment Amount									726.65
100013	ADVANCE CONSULTING GROUP INC	SEPTEMBER 2013 BILLING	PV	69475	001	09230	10/5/2013	100513	350.00
	ADVANCE CONSULTING GROUP INC 3970 114TH LANE NW SUITE 100 COON RAPIDS MN 55433		Summary Total						350.00
Payment Amount									350.00
100017	AIRGAS NORTH CENTRAL	CARBON DIOXIDE	PV	69476	001	09101	9/26/2013	9020127487	54.35
	AIRGAS NORTH CENTRAL PO BOX 802588	LEASE ON CYLINDERS	PV	69477	001	09101	10/1/2013	9912946754	118.74
	CHICAGO IL 60680-2588		Summary Total						118.74
Payment Amount									173.09
108664	AMERICAN VENDING INC	COFFEE SERV WTR FILTER/SPIGOT	PV	69478	001	09101	9/27/2013	7545	280.97
	AMERICAN VENDING INC 10787 93RD AVENUE N MAPLE GROVE MN 55369		Summary Total						280.97
Payment Amount									280.97
100024	ANCHOR PAPER COMPANY DO NOT USE	COPIER PAPER	PV	69415	001	09101	9/24/2013	10374788-00	1,660.84

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Payment Instrument Check Payment
Pay Through Date 12/31/2013

Number	Payee Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	ANCHOR PAPER COMPANY PO BOX 65648 ST PAUL MN 55165-0648								Summary Total 1,660.84
									Payment Amount 1,660.84
107526	ANCOM TECHNICAL CENTER	PAGER REPAIR	PV	69416	001	09101	9/20/2013	40568	101.53
	ANCOM TECHNICAL CENTER 1800 EAST CLIFF ROAD SUITE 17 BURNSVILLE MN 55337	PAGER REPAIR							Summary Total 101.53
			PV	69417	001	09101	9/20/2013	40567	101.53
									Summary Total 101.53
									Payment Amount 203.06
100029	ANOKA AREA CHAMBER OF COMMERCE	MEMBERSHIP DUES	PV	69419	001	09101	10/1/2013	19645	410.00
	ANOKA AREA CHAMBER OF COMMERCE 12 BRIDGE SQUARE ANOKA MN 55303								Summary Total 410.00
									Payment Amount 410.00
100035	ANOKA COUNTY CENTRAL COMMUNICATIONS	SEPT 13 INTERNET ACCESS	PV	69479	001	09101	10/8/2013	2013-347	483.43
	ANOKA COUNTY CENTRAL COMMUNICATIONS 325 EAST MAIN STREET ANOKA MN 55303	JULY-SEPT 13 ACCESS FEE							Summary Total 483.43
			PV	69480	001	09101	10/4/2013	2013-337	900.00
									Summary Total 900.00
									Payment Amount 1,383.43
107587	ANOKA COUNTY TREASURY DEPARTMENT	VOTING EQUIPMENT	PV	69418	001	09101	10/4/2013	2013-19	3,441.71
	ANOKA COUNTY TREASURY DEPARTMENT 2100 THIRD AVENUE ANOKA MN 55303	NOV 13 BROADBAND							Summary Total 3,441.71
			PV	69481	001	09101	10/4/2013	231265	604.50
									Summary Total 604.50
									Payment Amount 4,046.21
111377	ANOKA MUNICIPAL UTILITY	BUNKER LK BLVD/DYSPOSIIUM-SIGNA	PV	69520	001	09603	10/10/2013	22-612000-01 SEPT 13	33.96
	ANOKA MUNICIPAL UTILITY CITY HALL	14034 DYSPROSIUM							Summary Total 33.96
			PV	69521	001	09603	10/10/2013	22-610280-00SEPT	47.08

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CITY OF RAMSEY
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Bank Account 00002224 CASH IN BANK
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Originator JLIPSKI
Payment Instrument Check Payment
Pay Through Date 12/31/2013

Payee	Stub	Document	Due	Invoice	Payment				
Number	Name / Mailing Address	Ty	Number	Item	Co	Date	Number	Amount	
								25.00	
113027	BLUE CROSS BLUE SHIELD- EAP	EAP SEPT 2013	PV	69422	001	09101	9/27/2013	2787883	61.25
	BLUE CROSS BLUE SHIELD- EAP ATTEN: DEBRA MORSE M 104 P O BOX 64560 ST PAUL MN 55164								61.25
									61.25
100647	BOLTON AND MENK, INC	RE:ARMSTRONG/ALPINE TRAIL	PV	69460	001	09805	9/17/2013	0159948	7,402.50
	BOLTON AND MENK, INC 1960 PREMIER DRIVE MANKATO MN 56001-5900								7,402.50
									7,402.50
112193	BULEY, PAMELA	HAPPY DAYS REIMB	PV	69423	001	09297	10/10/2013	101013	236.21
	PAMELA BULEY 9181 KAHL COURT NE OTSEGO MN 55362								236.21
									236.21
100306	BUREAU OF CRIMINAL APPREHENSION	SEPT 2013 BILLING	PV	69485	001	09101	9/30/2013	00000160865	390.00
	BUREAU OF CRIMINAL APPREHENSION MNJIS SECTION-ATTEN: KIM LACEK	B. ROSSUM TRAINING	PV	69502	001	09101	9/26/2013	2001	25.00
	1430 MARYLAND AVENUE EAST ST PAUL MN 55106								25.00
									415.00
106670	CENTRAL POWER DISTRIBUTORS INC	FUEL LINE	PV	69424	001	09101	9/27/2013	420718	15.52
	CENTRAL POWER DISTRIBUTORS INC 3801 THURSTON AVENUE ANOKA MN 55303								15.52
									15.52
100111	COMMERCIAL ASPHALT	ASPHALT	PV	69486	001	09101	9/30/2013	56581	59.90

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CITY OF RAMSEY
Create Payment Control Groups

Bank Account 00002224 CASH IN BANK
Version LOGIS003V
Originator JLIPSKI
Payment Instrument Check Payment
Pay Through Date 12/31/2013

Payee	Stub	Document	Due	Invoice	Payment
Number	Name / Mailing Address	Ty Number Itm Co	Date	Number	Amount
COMPANY					
	COMMERCIAL ASPHALT COMPANY	Summary Total			59.90
	P O BOX 1480				
	MAPLE GROVE MN 55311-6480				
		Payment Amount			59.90
100125	COUNTRYSIDE PRINTING	BUSINESS	PV 69425 001 09101	10/2/2013 31961	157.11
	INC	CARDS-BUILDING			
	COUNTRYSIDE PRINTING	Summary Total			157.11
	6250 BUNKER LAKE BLVD	SEPTIC PUMP PERMITS	PV 69426 001 09101	9/26/2013 31949	214.93
	NW				
	SUITE 113	Summary Total			214.93
	RAMSEY MN 55303				
		Payment Amount			372.04
100131	CULLIGAN OF ANOKA	FILTRATION LEASE	PV 69487 001 09101	9/30/2013 100X04272105	132.31
		OCT/NOV 2013			
	CULLIGAN	Summary Total			132.31
	DEPARTMENT 8509				
	P O BOX 77043				
	MINNEAPOLIS MN 55480-7743				
		Payment Amount			132.31
111818	DEANO'S COLLISION	REPAIR ON 321	PV 69488 001 09101	10/10/2013 37110	117.56
	SPECIALISTS INC				
	DEANO'S COLLISION	REPAIR ON 321	PV 69488 002 09101	10/10/2013 37110	36.80
	SPECIALISTS INC				
	11063 173RD AVENUE	Summary Total			154.36
	ELK RIVER MN 55330				
		Payment Amount			154.36
100144	DEHN OIL COMPANY	MISC FUEL	PV 69526 001 09101	10/10/2013 25036328	1,800.85
	DEHN OIL COMPANY	Summary Total			1,800.85
	6735 141ST AVENUE NW				
	RAMSEY MN 55303				
		Payment Amount			1,800.85
112275	DESTINY SOFTWARE INC	SOFTWARE LEASE OCT	PV 69489 001 09101	10/1/2013 3385	3,500.00
		13- SEPT 14			
	DESTINY SOFTWARE INC	Summary Total			3,500.00

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Bank Account 00002224 CASH IN BANK
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Payment Instrument Check Payment
Pay Through Date 12/31/2013

Payee		Stub	Document			Due	Invoice	Payment	
Number	Name / Mailing Address	Message	Ty	Number	itm	Co	Date	Number	Amount
104205	EXPRESS SIGNS AND BALLOONS INC	OPEN HOUSE SIGN FIRE DEPT	PV	69492	001	09101	9/27/2013	9615	139.26
	EXPRESS SIGNS AND BALLOONS INC PO BOX 475 ANOKA MN 55303			Summary Total					139.26
				Payment Amount					139.26
113118	FABYANSKE, WESTRA, HART AND THOMSON, PA	AUG 13 BILLING	PV	69431	001	09468	9/30/2013	118927	980.50
	FABYANSKE, WESTRA, HART AND THOMSON, PA 800 LASALLE AVENUE SUITE 1900 MINNEAPOLIS MN 55402			Summary Total					980.50
				Payment Amount					980.50
113321	FACTORY MOTOR PARTS	COOLANT	PV	69432	001	09101	9/30/2013	6-1340311	26.06
	FACTORY MOTOR PARTS 3731 THURSTON AVENUE ANOKA MN 55303			Summary Total					26.06
		POWER STERRING FLUID 365	PV	69433	001	09101	9/25/2013	6-1339811	19.75
				Summary Total					19.75
		PUMP KIT FOR 365	PV	69434	001	09101	9/24/2013	6-1339685	115.67
				Summary Total					115.67
		OIL FILTER	PV	69529	001	09101	10/15/2013	6-1341893	25.52
				Summary Total					25.52
		BRAKES FOR 563	PV	69530	001	09101	10/8/2013	6-1341224	172.60
				Summary Total					172.60
				Payment Amount					359.60
107099	FASTENAL	MISC APRTS	PV	69435	001	09601	9/24/2013	MNTC8102420	27.47
	FASTENAL COMPANY P O BOX 978 WINONA MN 55987			Summary Total					27.47
		MISC PARTS	PV	69493	001	09101	10/7/2013	MNTC8102766	5.94
				Summary Total					5.94
				Payment Amount					33.41
112421	FIRST SCRIBE	OCT 13 ROWAY WEB APP	PV	69494	001	09101	10/1/2013	2460941	200.00
	FIRST SCRIBE 110 CHESHIRE LANE SUITE 105 MINNETONKA MN 55305			Summary Total					200.00
				Payment Amount					200.00

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Number	Payee Name / Mailing Address	Stub Message	Document Ty	Number	Item	Co	Due Date	Invoice Number	Payment Amount
100186	FRANKENSIGNS INC	SIGNS/MATERIAL	PV	69495	001	09101	9/30/2013	261427	96.19
	FRANKENSIGNS							Summary Total	96.19
	P O BOX 49301								
	BLAINE MN 55449							Payment Amount	96.19
100189	G AND K SERVICES INC	UNIFORM CLEANING	PV	69496	001	09101	10/2/2013	1006742748	74.00
	G AND K SERVICES INC	UNIFORM CLEANING	PV	69496	002	09101	10/2/2013	1006742748	10.00
	PO BOX 1450-NW 7536	UNIFORM CLEANING	PV	69496	003	09101	10/2/2013	1006742748	141.02
	MINNEAPOLIS MN	UNIFORM CLEANING	PV	69496	004	09101	10/2/2013	1006742748	141.02
	55485-7536							Summary Total	366.04
		UNIFORM CLEANING	PV	69531	001	09101	10/9/2013	1006754109	84.00
		UNIFORM CLEANING	PV	69531	002	09101	10/9/2013	1006754109	10.00
		UNIFORM CLEANING	PV	69531	003	09101	10/9/2013	1006754109	81.77
		UNIFORM CLEANING	PV	69531	004	09101	10/9/2013	1006754109	81.77
								Summary Total	257.54
								Payment Amount	623.58
100200	GOPHER STATE ONE CALL INC	223 TICKETS	PV	69436	001	09601	9/30/2013	79495	105.85
	GOPHER STATE ONE CALL	223 TICKETS	PV	69436	002	09601	9/30/2013	79495	105.85
	18946 LAKE DRIVE EAST	223 TICKETS	PV	69436	003	09601	9/30/2013	79495	105.85
	CHANHASSEN MN 55317							Summary Total	317.55
								Payment Amount	317.55
100650	GRAINGER	LEATHER GLOVES	PV	69497	001	09101	10/4/2013	9261375233	29.75
	GRAINGER INC							Summary Total	29.75
	DEPT. 806511127								
	PALATINE IL 60038-0001							Payment Amount	29.75
100209	HAKANSON ANDERSON ASSOC INC	COR 2 IMPROVEMENTS	PV	69437	001	09468	9/19/2013	32003	3,665.00
	HAKANSON ANDERSON ASSOC INC							Summary Total	3,665.00
	3601 THURSTON AVENUE								
	ANOKA MN 55303-1063							Payment Amount	3,665.00

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Number	Payee Name / Mailing Address	Stub Message	Document Ty	Document Number	Document Itm	Document Co	Due Date	Invoice Number	Payment Amount
106911	HENNEPIN TECHNICAL COLLEGE	J. ATCHISON-CONFINED SPACE	PV	69438	001	09101	9/20/2013	00300672	2,800.00
	HENNEPIN TECHNICAL COLLEGE ATTN: BUSINESS OFFICE 9000 BROOKLYN BLVD BROOKLYN PARK MN 55445								Summary Total 2,800.00
									Payment Amount 2,800.00
107478	INTELLIGENT PRODUCTS INCORPORATED	MITT MUTT SUPPLIES	PV	69498	001	09101	10/1/2013	166067A	803.10
	INTELLIGENT PRODUCTS INCORPORATED 10,000 LOWER RIVER ROAD P O BOX 626 BURLINGTON KY 41005								Summary Total 803.10
									Payment Amount 803.10
107394	KOHNER, MATT	REIMB. FD DEPT PICTURES	PV	69439	001	09101	10/8/2013	100813	87.79
	MATT KOHNER 17229 POTASSIUM STREET NW RAMSEY MN 55303								Summary Total 87.79
									Payment Amount 87.79
100256	LANO EQUIPMENT INC	RENT- BOBCAT	PV	69499	001	09101	10/7/2013	03-52742	267.19
	LANO EQUIPMENT INC 6140 HIGHWAY 10 NW ANOKA MN 55303								Summary Total 267.19
									Payment Amount 267.19
112225	LINDSTROM ENVIRONMENTAL INC	RE: 6203 RIVLYN AVE-ASBESTOS	PV	69440	001	09295	9/20/2013	1311801	4,670.00
	LINDSTROM ENVIRONMENTAL INC 9621 TENTH AVENUE NORTH PLYMOUTH MN 55441-5016								Summary Total 4,670.00
									Payment Amount 4,670.00
100266	LOGIS	NETWORK	PV	69441	001	09101	9/23/2013	37356	420.75
	LOGIS 5750 DULUTH STREET GOLDEN VALLEY MN 55422-4036								Summary Total 420.75

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Payee	Stub	Document	Due	Invoice	Payment				
Number	Name / Mailing Address	Message	Ty	Number	Item	Co	Date	Number	Amount
					Payment Amount				420.75
100268	LRRWMO CITY OF ANOKA	12-09 NORTH COMMONS	PV	69442	001	09295	9/30/2013	302	218.99
	LRRWMO CITY OF ANOKA 2015 - 1ST AVENUE NORTH ANOKA MN 55303				Summary Total				218.99
					Payment Amount				218.99
105991	M K GRAPHICS	AP CHECKS	PV	69444	001	09101	10/7/2013	6028	165.51
	M K GRAPHICS 8224 FLORIDA COURT BROOKLYN PARK MN 55445				Summary Total				165.51
					Payment Amount				165.51
100276	MCFOA	MEMBERSHIP-J. THIELING	PV	69443	001	09101	10/10/2013	101013	35.00
	MCFOA C/O MELISSA BARKER, CITY OF INDEPENDENCE 1920 COUNTY ROAD 90 INDEPENDENCE MN 55359				Summary Total				35.00
					Payment Amount				35.00
100280	MED COMPASS INC	SCBA USER EXAM-J. GREGA	PV	69500	001	09101	9/26/2013	22205	75.00
	MED COMPASS INC 7841 WAYZATA BLVD MINNEAPOLIS MN 55426				Summary Total				75.00
					Payment Amount				75.00
100284	MENARDS ELK RIVER	MISC FD SUPPLIES	PV	69501	001	09101	10/6/2013	32106	56.83
	MENARDS ELK RIVER 19521 EVANS STREET NW ELK RIVER MN 55330-1077				Summary Total				56.83
					Payment Amount				56.83
100285	MET COUNCIL ENVIRONMENTAL SRV	WASTE WATER NOV 2013	PV	69445	001	09602	10/3/2013	0001025982	48,695.99
	MET COUNCIL ENVIRONMENTAL SRV P O BOX 856513				Summary Total				48,695.99

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Payee	Stub	Document	Due	Invoice	Payment				
Number	Name / Mailing Address	Ty	Number	Itm	Co	Date	Number	Amount	
MINNEAPOLIS MN 55485-6513					Payment Amount	48,695.99			
100345	NAPA AUTO PARTS ELK RIVER	PV	69446	001	09101	10/3/2013	703359	12.16	
								Summary Total	12.16
	NAPA AUTO PARTS ELK RIVER 17137 YALE STREET NW	PV	69503	001	09101	10/8/2013	704055	12.78	
								Summary Total	12.78
	P O BOX 1041 ELK RIVER MN 55330	PV	69532	001	09101	10/11/2013	704707	18.06	
								Summary Total	18.06
		PV	69533	001	09101	10/14/2013	705000	78.49	
								Summary Total	78.49
		PV	69534	001	09101	10/10/2013	704477	23.50	
								Summary Total	23.50
								Payment Amount	144.99
100363	NORTHERN SANITARY SUPPLY CO	PV	69447	001	09101	9/26/2013	164182	291.60	
								Summary Total	291.60
	NORTHERN SANITARY SUPPLY CO 341 COON RAPIDS BLVD MINNEAPOLIS MN 55433							Payment Amount	291.60
110547	NORTHWEST LIGHTING SYSTEMS CO.	PV	69504	001	09240	10/2/2013	77751	392.77	
								Summary Total	392.77
	NORTHWEST LIGHTING SYSTEMS CO. 12001 RIVERWOOD DRIVE BURNSVILLE MN 55337							Payment Amount	392.77
100368	OFFICE DEPOT	PV	69448	001	09101	9/24/2013	677102524001	24.57	
								Summary Total	24.57
	OFFICE DEPOT	PV	69448	002	09101	9/24/2013	677102524001	24.58	
								Summary Total	24.58
	P O BOX 70049	PV	69448	003	09101	9/24/2013	677102524001	73.71	
								Summary Total	73.71
	LOS ANGELES CA 90074-0049	PV	69448	004	09101	9/24/2013	677102524001	49.14	
								Summary Total	49.14
		PV	69448	005	09101	9/24/2013	677102524001	24.57	
								Summary Total	24.57

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Payee	Stub	Document	Due	Invoice	Payment
Number	Name / Mailing Address	Ty Number Itm Co	Date	Number	Amount
	FRAMES-CITY MISSION STATEMENTS	PV 69448 006 09101	9/24/2013	677102524001	24.57
	FRAMES-CITY MISSION STATEMENTS	PV 69448 007 09101	9/24/2013	677102524001	24.57
	FRAMES-CITY MISSION STATEMENTS	PV 69448 008 09101	9/24/2013	677102524001	24.57
		Summary Total			270.28
		Payment Amount			270.28
113225 OHIO CALIBRATION LABORATORIES	CALIBRATION	PV 69505 001 09101	10/1/2013	15119	45.00
	OHIO CALIBRATION LABORATORIES 6663 HUNTLY ROAD SUITE E COLUMBUS OH 43229-1038	Summary Total			45.00
		Payment Amount			45.00
110480 OPUS 21 MANAGEMENT SOLUTIONS	SEPT 2013 BILLING	PV 69506 001 09601	10/3/2013	130948	46.87
	OPUS 21 MANAGEMENT SOLUTIONS	PV 69506 002 09601	10/3/2013	130948	37.49
	680 COMMERCE DRIVE SUITE 160	PV 69506 003 09601	10/3/2013	130948	37.49
	WOODBURY MN 55125	PV 69506 004 09601	10/3/2013	130948	28.12
	SEPT 2013 BILLING	PV 69506 005 09601	10/3/2013	130948	37.49
		Summary Total			187.46
		Payment Amount			187.46
100384 PLAISTED COMPANIES INC	DIRT	PV 69535 001 09101	9/30/2013	50448	4,309.80
	PLAISTED COMPANIES INC	PV 69535 002 09101	9/30/2013	50448	615.00
	PO BOX 332 11555 - 205TH AVENUE NW ELK RIVER MN 55330	Summary Total			4,924.80
		Payment Amount			4,924.80
111935 PPL INDUSTRIES	RECYCLE EVENT- FALL 2013	PV 69507 001 09604	9/28/2013	0050608	150.00
	PPL INDUSTRIES	Summary Total			150.00
	1179 15TH AVENUE SE MINNEAPOLIS MN 55414	Payment Amount			150.00

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Payee		Stub	Document			Due	Invoice	Payment	
Number	Name / Mailing Address	Message	Ty	Number	Itm	Co	Date	Number	Amount
100393	PRAIRIE RESTORATIONS INC	WORK AT THE DRAW	PV	69508	001	09605	9/26/2013	0027177	354.81
	PRAIRIE RESTORATIONS INC 31646 128TH STREET PRINCETON MN 55371								Summary Total 354.81
									Payment Amount 354.81
107978	PREMIER COMMERCIAL PROPERTIES INC	MANAGEMENT-SEPT HWY 10	PV	69449	001	09410	9/30/2013	3710	200.00
	PREMIER COMMERCIAL PROPERTIES INC	MANAGEMENT-SEPT HWY 10	PV	69449	002	09410	9/30/2013	3710	200.00
	6897 139TH LANE NW RAMSEY MN 55303	MANAGEMENT-SEPT HWY 10	PV	69449	003	09410	9/30/2013	3710	200.00
									Summary Total 600.00
									Payment Amount 600.00
112959	PREMIUM WATERS INC	FIRE DEPT- WATER	PV	69509	001	09101	9/30/2013	621332-09-13	18.42
	PREMIUM WATERS INC P O BOX 9128 MINNEAPOLIS MN 55480-9128								Summary Total 18.42
									Payment Amount 18.42
113241	RANGER CHEVROLET-CADILLAC	2013 CHEV MALIBU 334	PV	69510	001	09101	10/1/2013	9995037	23,160.00
	RANGER CHEVROLET-CADILLAC 1502 E. HOWARD STREET HIBBING MN 55746								Summary Total 23,160.00
									Payment Amount 23,160.00
100421	REGAL AWARDS AND TROPHIES	ONE NAME PLATE	PV	69450	001	09101	9/27/2013	13605	8.02
	REGAL AWARDS AND TROPHIES 530 WEST MAIN STREET ANOKA MN 55303								Summary Total 8.02
									Payment Amount 8.02
107880	RICK JOHNSON DEER AND BEAVER INC	2 DEER CALLS	PV	69451	001	09101	10/1/2013	100113	180.00
	RICK JOHNSON DEER AND BEAVER INC								Summary Total 180.00

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Payee Number	Name / Mailing Address	Stub Message	Document Ty	Number	Itm	Co	Due Date	Invoice Number	Payment Amount
	18595 XENOLITH STREET NW BURNS TOWNSHIP MN 55303								180.00
									Payment Amount
113224	ROCKET SHOP	WORK ON 04 ARCTIC CAT 4X4	PV	69511	001	09101	9/21/2013	14835	197.50
	ROCKET SHOP 14290 SUNFISH LAKE BLVD RAMSEY MN 55303								Summary Total
									197.50
									Payment Amount
100431	SAFETY KLEEN CORPORATION	RECYCLE OIL	PV	69512	001	09101	9/30/2013	930127145	101.00
	SAFETY KLEEN CORPORATION PO BOX 382066 PITTSBURGH PA 15250-8066								Summary Total
									101.00
									Payment Amount
113137	SPECIALTY TURF AND AG INC	HOME LAWN MIX SEED	PV	69513	001	09101	10/7/2013	137719	240.47
	SPECIALTY TURF AND AG INC 1600 RAILROAD AVENUE ALBANY MN 56307								Summary Total
									240.47
									Payment Amount
103663	SUPERIOR HEATING AC	SERVICE CALL 6701 HWY 10	PV	69452	001	09410	9/30/2013	14998	125.00
	SUPERIOR HEATING AC 3731 THURSTON AVE NW SUITE 108 ANOKA MN 55303								Summary Total
									125.00
									Payment Amount
100474	SUPERIOR STRIPING INC	CROSS WALK-CNTRL PRK/ALPINE	PV	69514	001	09101	9/30/2013	34125	250.00
	SUPERIOR STRIPING INC 14021 BASALT STREET NW RAMSEY MN 55303								Summary Total
									250.00
									Payment Amount
100485	TIMESAVER OFF SITE	SEPT 13 MTGS	PV	69454	001	09101	9/30/2013	M20073	783.80

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Payee	Stub	Document	Due	Invoice	Payment				
Number	Name / Mailing Address	Message	Ty	Number	Item	Co	Date	Number	Amount
SECRETARIAL INC									
	TIMESAVER OFF SITE SECRETARIAL INC				Summary Total				783.80
	1056 JACKSON STREET S	SEPT 24 MTG	PV	69455	001	09101	9/30/2013	M20080	238.70
	SHAKOPEE MN 55379-2077				Summary Total				238.70
					Payment Amount				1,022.50
112079	TOKLE INSPECTIONS INC	SEPT 2013 BILLING	PV	69456	001	09101	10/7/2013	100713	3,976.50
	TOKLE INSPECTIONS INC				Summary Total				3,976.50
	1748 123RD AVENUE NW				Payment Amount				3,976.50
	COON RAPIDS MN 55448								
113539	TWIN CITIES WINNELSON	WATER SAVER KIT	PV	69515	001	09101	9/25/2013	071482	20.78
	CO				Summary Total				20.78
	TWIN CITIES WINNELSON CO				Payment Amount				20.78
	13930 RADIUM STREET NW								
	RAMSEY MN 55303								
111463	UPPER MIDWEST ATHLETIC	REPAIR ON TENNIS	PV	69516	001	09805	10/4/2013	3666	28,540.00
	CONSTRUCTION	COURTS			Summary Total				28,540.00
	UPPER MIDWEST ATHLETIC CONSTRUCTION				Payment Amount				28,540.00
	DIV. OF BLACKTOP REPAIR SERVICES INC								
	16340 NOWTHEN BLVD								
	ANOKA MN 55303								
105628	WELLS CATERING SERVICE	OCT 8- MEETING	PV	69457	001	09101	10/8/2013	28368	88.71
	WELLS CATERING SERVICE				Summary Total				88.71
	7533 SUNWOOD DRIVE SUITE 108				Payment Amount				88.71
	RAMSEY MN 55303								
100529	WENDELL'S INC	NAME TAG J.	PV	69458	001	09101	10/4/2013	1826495	5.58
	WENDELL'S INC	FREDRICKSON			Summary Total				5.58
	6601 BUNKER LAKE BLVD	MISC NAME BADGES	PV	69459	001	09101	9/25/2013	1824380	5.59

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..... Payee	Stub	.. Document	Due	Invoice	Payment
Number Name / Mailing Address	Message	Ty Number Itm Co	Date	Number	Amount
PO BOX 458	MISC NAME BADGES	PV 69459 002 09101	9/25/2013	1824380	5.58
RAMSEY MN 55303-0458	MISC NAME BADGES	PV 69459 003 09101	9/25/2013	1824380	5.58
Summary Total					16.75
Payment Amount					22.33
Total Amount to be Processed					157,253.09
Total Number of Payments to be Processed					76

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Payee Number	Payee Name / Mailing Address	Stub Message	Document			Due Date	Invoice Number	Payment Amount
			Ty	Number	Itm Co			
101166	ALLIED BLACKTOP CO.	PAY EST 1 2013 ST MAINTENANCE	PV	69381	001 09430	10/3/2013	100313	326,182.10
	ALLIED BLACKTOP CO. BITUMINOUS CONTRACTORS 10503 89TH AVE N MAPLE GROVE MN 55369						Summary Total	326,182.10
							Payment Amount	326,182.10
100141	DAVE PERKINS CONTRACTING INC	PAY EST 2 NORTH COMMONS UTIL.	PV	69382	001 09499	10/3/2013	100313	30,333.50
	DAVE PERKINS CONTRACTING INC 7060 143RD AVE NW SUITE 100 RAMSEY MN 55303						Summary Total	30,333.50
							Payment Amount	30,333.50
							Total Amount to be Processed	356,515.60
							Total Number of Payments to be Processed	2

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Payee		Stub	Document				Due	Invoice	Payment
Number	Name / Mailing Address	Message	Ty	Number	Itm	Co	Date	Number	Amount
111093	DOUGLAS KERR UNDERGROUND LLC	PAY EST 2 COR TWO IMPROV	PV	69463	001	09468	10/11/2013	101113	67,516.59
	DOUGLAS KERR UNDERGROUND LLC P O BOX 85 MORA MN 55051							Summary Total	67,516.59
								Payment Amount	67,516.59
113206	NORTH PINE AGGREGATE INC	FINAL- ARMSTRONG/SUNWOOD	PV	69465	001	09496	10/7/2013	100713	11,828.44
	NORTH PINE AGGREGATE INC 14551 LAKE DRIVE FOREST LAKE MN 55025							Summary Total	11,828.44
								Payment Amount	11,828.44
								Total Amount to be Processed	79,345.03
								Total Number of Payments to be Processed	2

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #13-10-181

RESOLUTION APPROVING CASH DISBURSEMENTS MADE AND AUTHORIZING PAYMENT OF ACCOUNTS PAYABLE INVOICING RECEIVED DURING THE PERIOD OF OCTOBER 3, 2013 THROUGH OCTOBER 16, 2013.

WHEREAS, the City of Ramsey Finance Department has made cash disbursements and received accounts payable invoicing during the period of October 3, 2013, through October 16, 2013, in the amount of \$1,305,151.29; and

WHEREAS, the City Council of the City of Ramsey is required to authorize payment for all disbursement transactions.

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

- 1) That the Ramsey City Council hereby approves the cash disbursements made and authorizes payment of the accounts payable invoices as detailed in the attached Bills List for the period October 3, 2013, through October 16, 2013, in the amount of \$ 1,305,151.29.

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

and the following voted against the same:

None

and the following abstained:

None

and the following were absent:

None

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 22nd day of October 2013.

Mayor

ATTEST:

City Clerk

CC Regular Session

4. 9.

Meeting Date: 10/22/2013

Submitted For: Bruce Westby, Engineering/Public Works

By: MaryJo Warner, Engineering/Public Works

Information

Title

Adopt Resolution #13-10-176 Approving Partial Payment to Dave Perkins Contracting for IP 13-12 North Commons (COR THREE) 4 Lot Residential Development

Purpose/Background:

To review and approve the attached Resolution and Pay Request.

Recommendation:

The Engineering Technician IV has inspected the completed work and recommends partial payment to Dave Perkins Contracting Inc. for IP 13-12 North Commons (COR Three) 4 Lot Residential Development

Action:

Motion to adopt Resolution #13-10-176 approving partial payment to Dave Perkins Contracting Inc. for IP 13-12 North Commons (COR THREE) in the amount of \$30,333.50.

Attachments

Resolution

Pay Request

Form Review

Inbox	Reviewed By	Date
Bruce Westby	Bruce Westby	10/15/2013 06:16 PM
Kurt Ulrich	Kurt Ulrich	10/17/2013 02:34 PM
Form Started By: MaryJo Warner		Started On: 10/11/2013 08:57 AM
Final Approval Date: 10/17/2013		

Commissioner introduced the following resolution and moved for its adoption:

HRA RESOLUTION #13-10-176

RESOLUTION APPROVING PARTIAL PAYMENT TO DAVE PERKINS CONTRACTING INC. FOR PROJECT 13-12 NORTH COMMONS (COR THREE) 4 LOT RESIDENTIAL DEVELOPMENT

WHEREAS, on May 28, 2013 the Housing and Redevelopment Authority of the City of Ramsey authorized improvements to the four platted residential lots on the west side of the North Commons park, east of Zeolite Street NW, including sewer and water services, driveway aprons, sidewalks, repairs to Zeolite Street where the services and driveway aprons were added, a storm sewer outlet for the park, and other appurtenant improvements; and,

WHEREAS, on July 23, 2013 quotes were solicited for said improvements; and,

WHEREAS, on July 29, 2013 quotes were opened and Dave Perkins Contracting, Inc. submitted the low quote of \$91,712; and,

WHEREAS, as of October 22, 2013 \$65,399.90 has been paid to date; and,

WHEREAS, the Engineering Technician IV has inspected the completed work and recommends partial payment to Dave Perkins Contracting Inc. in the amount of \$30,333.50.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA:

- 1) That the City Council hereby authorizes partial payment to Dave Perkins Contracting Inc. for Improvement Project #13-12; in the amount of \$30,333.50.
- 2) That the City Council hereby accepts the improvements and authorizes the Mayor or City Administrator to sign the release form for this payment.
- 3) That the total amount of this payment is not included in resolutions approving payment of bills for the date of October 22, 2013.
- 4) That the City of Ramsey Finance Department will be provided a signed copy of this resolution.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly passed and adopted by the Ramsey Housing and Redevelopment Authority this the 22nd day of October, 2013.

Chair

ATTEST:

City Clerk

Pay Estimate Summary Sheet
IP 13-12 North Commons Utilities (4 Lots)

City of Ramsey

Estimate no. 2

TOTAL CONTRACT	\$	91,712.00
ADDITIONAL WORK (ADD TRAIL IN PARK)	\$	19,065.00
TOTAL CONTRACT	\$	110,777.00
STORED MATERIALS		
TOTAL, COMPLETED WORK TO DATE	\$	100,772.00
TOTAL WORK COMPLETED PLUS STORED MATERIALS	\$	100,772.00
RETAINED PERCENTAGE 5%	\$	5,038.60
NET AMOUNT DUE TO CONTRACTOR TO DATE	\$	95,733.40
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES	\$	65,399.90
PAY CONTRACTOR PER ESTIMATE NO. 2	\$	30,333.50

Certificate for Partial Payment

I hereby certify that, to the best of my knowledge and belief, all items, quantities and prices of work and material shown on the this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between owner and the undersigned Contractor, and as amended by any authorized changes and the foregoing is a true and correct statement of the contract amount for the period covered by this estimate.

Contractor: Dave Perkins Contracting, Inc

By *D. Perkins* *President*
Name Title

Date *1 Oct 13*

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:

ENGINEER: CITY OF RAMSEY

By *Leonard Linton* Civil Engineer II
Leonard Linton, PE

Date *3 Oct 13*

APPROVED FOR PAYMENT:

OWNER: City of Ramsey

By *Bruce West* City Engineer *10/4/13*
Name Title Date

CC Regular Session

4. 10.

Meeting Date: 10/22/2013

Submitted For: Bruce Westby, Engineering/Public Works

By: MaryJo Warner, Engineering/Public Works

Information

Title

Adopt Resolution #13-10-177 Approving Partial Payment to Allied Blacktop for IP #13-00 2013 Street Maintenance Program; Division A

Purpose/Background:

To review and approve the attached Resolution and Pay Request.

Recommendation:

The Engineering Technician IV has inspected the completed work and recommends partial payment to Allied Blacktop Company for IP #13-00 2013 Street Maintenance Program; Division A in the amount of \$326,182.10.

Action:

Motion to adopt Resolution #13-10-177 approving partial payment to Allied Blacktop Company for IP #13-00 2013 Street Maintenance Program; Division A in the amount of \$326,182.10.

Attachments

Resolution

Pay Request

Form Review

Inbox	Reviewed By	Date
Bruce Westby	Bruce Westby	10/15/2013 06:15 PM
Kurt Ulrich	Kurt Ulrich	10/17/2013 02:17 PM
Form Started By: MaryJo Warner		Started On: 10/09/2013 09:33 AM
Final Approval Date: 10/17/2013		

Councilmember introduced the following resolution and moved for its adoption:

RESOLUTION #13-10-177

RESOLUTION APPROVING PARTIAL PAYMENT TO ALLIED BLACKTOP COMPANY FOR PROJECT #13-00 2013 STREET MAINTENANCE PROGRAM; DIVISION A

WHEREAS, pursuant to a motion of the Ramsey City Council, adopted June 25, 2013, accepting plans and specifications and authorizing advertisement for bids for making the 2013 Street Maintenance Program improvements including the sealcoating of streets, the removal and replacement of miscellaneous concrete curb and gutter, the paving of wear course lifts, and other necessary appurtenant work, bids were received, opened, and tabulated, and the following bids were found to comply with the advertisement for bids; and

WHEREAS, the bids of Allied Blacktop Company of Maple Grove, Minnesota in the amount of \$338,072.73 for the total bid for Division A is the lowest responsible bidders.

WHEREAS, as of October 22, 2013 \$0 has been paid to date; and

WHEREAS, the Engineering Technician IV has inspected the completed work and recommends partial payment to Allied Blacktop Company in the amount of \$326,182.10.

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

- 1) That the City Council hereby authorizes partial payment to Allied Blacktop Company for Improvement Project 13-00; 2013 Street Maintenance Program in the amount of \$326,182.10.
- 2) That the City Council hereby accepts the project and authorizes the Mayor or City Administrator to sign the release form for this payment.
- 3) That the total amount of this payment is not included in resolutions approving payment of bills for the date of October 22, 2013.
- 4) That the City of Ramsey Finance Department will be provided a signed copy of this resolution.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 22nd day of October, 2013.

Mayor

ATTEST:

City Clerk

Pay Estimate Summary Sheet
IP 13-00 2013 Street Maintenance Program
Division A
City of Ramsey

Estimate no 1

TOTAL CONTRACT	\$	338,072.73
ADDITIONAL WORK	\$	3,780.00
TOTAL WITH ADDITIONAL WORK	\$	341,852.73
STORED MATERIALS		
TOTAL, COMPLETED WORK TO DATE	\$	343,349.58
TOTAL WORK COMPLETED PLUS STORED MATERIALS	\$	343,349.58
RETAINED PERCENTAGE 5%	\$	17,167.48
NET AMOUNT DUE TO CONTRACTOR TO DATE	\$	326,182.10
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES	\$	-
PAY CONTRACTOR PER ESTIMATE NO. 1	\$	326,182.10

Certificate for Partial Payment

I hereby certify that, to the best of my knowledge and belief, all items, quantities and prices of work and material shown on the this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between owner and the undersigned Contractor, and as amended by any authorized changes and the foregoing is a true and correct statement of the contract amount for the period covered by this estimate.

Contractor: Allied Blacktop Company

By Pat M. Crist President
Name Title

Date 10-3-13

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:

ENGINEER: CITY OF RAMSEY

By Leonard Linton Civil Engineer II
Name Title

Date 10-3-13

APPROVED FOR PAYMENT:

OWNER: City of Ramsey

By Bruce W. [Signature] City Engineer 10/4/13
Name Title Date

CC Regular Session

4. 11.

Meeting Date: 10/22/2013

Submitted For: Bruce Westby, Engineering/Public Works

By: MaryJo Warner, Engineering/Public Works

Information

Title:

Adopt Resolution #13-10-179 Approving Final Payment to North Pine Aggregates, Inc. IP 12-20 CSAH 83 (Armstrong Blvd) - Sunwood Drive

Purpose/Background:

To review and approve the attached Resolution and Pay Request.

Recommendation:

The Engineering Technician IV has inspected the completed work and recommends final payment to North Pine-Aggregates Inc. for IP 12-20; CSAH 83 (Armstrong Boulevard) - Sunwood Drive in the amount of \$11,828.44.

Action:

Motion to adopt Resolution #13-10-179 approving final payment to North Pine-Aggregates, Inc. for IP 12-20; CSAH 83 (Armstrong Boulevard) - Sunwood Drive in the amount of \$11,828.44.

Attachments

Resolution

Pay Request

Form Review

Inbox	Reviewed By	Date
Bruce Westby	Bruce Westby	10/16/2013 11:23 AM
Kurt Ulrich	Kurt Ulrich	10/17/2013 02:38 PM
Form Started By: MaryJo Warner		Started On: 10/11/2013 01:26 PM
Final Approval Date: 10/17/2013		

Councilmember introduced the following resolution and moved for its adoption:

RESOLUTION #13-10-179

**RESOLUTION AUTHORIZING FINAL PAYMENT TO NORTH PINE AGGREGATE
FOR CITY IMPROVEMENT
PROJECT #12-20; SUNWOOD DRIVE REALIGNMENT**

WHEREAS, on June 28, 2011 the Ramsey Housing and Redevelopment Authority awarded an engineering services contract to Landform Professional Services to complete the necessary Ramsey Town Center AUAR updates, and prepare of a feasibility study for the realignment of Sunwood Drive NW; and

WHEREAS, on July 26, 2011 the Ramsey City Council awarded an engineering services contract to WSB & Associates to prepare a feasibility study for the portion of the Sunwood Drive realignment contained within Anoka County right-of-way, and assist in completing updates to the existing Ramsey Town Center AUAR; and

WHEREAS, on January 24, 2012 the Ramsey City Council accepted the feasibility studies and called for the preparation of plans and specifications for City Improvement Project #12-20; Sunwood Drive Realignment; and

WHEREAS, on May 22, 2012 the Ramsey City Council accepted the plans and specifications and authorized the solicitation of bids; and

WHEREAS, North Pine Aggregates, Inc is the lowest responsible bidder; and

WHEREAS, as of October 22, 2013 \$2,305,417.38 has been paid to date; and

WHEREAS, Engineering Technician IV has inspected the completed work and recommends final payment to North Pine Aggregate, Inc. in the amount of \$11,828.44.

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

- 1) That the City Council hereby authorizes final payment to North Pine Aggregates, Inc. for Improvement Project #12-20; CSAH 83(Armstrong Boulevard) – Sunwood Drive in the amount of \$11,828.44.
- 2) That the City Council hereby accepts the project and authorizes the Mayor or City Administrator to sign the release form for this payment.
- 3) That the total amount of this payment is not included in resolutions approving payment of bills for the date of October 22, 2013.
- 4) That the City of Ramsey Finance Department will be provided a signed copy of this resolution.

RESOLUTION #13-10-179

Page 1 of 2

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

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 22nd day of October 2013.

Mayor

ATTEST:

City Clerk

Pay Estimate Summary Sheet **FINAL**
 IP 12-20; CSAH 83 (ARMSTRONG BOULEVARD)- SUNWOOD DRIVE
 SAP 199-020-010 199-104-010
 City of Ramsey

Estimate no **FINAL** **12**

TOTAL CONTRACT	\$	2,342,825.81
CHANGE ORDERS (#1,#2,#3,#4)	\$	79,450.21
BITUMINOUS DENSITY INCENTIVE	\$	4,773.69
TOTAL WITH CHANGE ORDERS	\$	2,427,049.72
STORED MATERIALS		
TOTAL, COMPLETED WORK TO DATE	\$	2,317,245.82
TOTAL WORK COMPLETED PLUS STORED MATERIALS	\$	2,317,245.82
RETAINED PERCENTAGE 0%	\$	-
NET AMOUNT DUE TO CONTRACTOR TO DATE	\$	2,317,245.82
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES	\$	2,305,417.38
PAY CONTRACTOR PER ESTIMATE NO. 12	\$	11,828.44

Certificate for Final Payment

I hereby certify that, to the best of my knowledge and belief, all items, quantities and prices of work and material shown on the this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between owner and the undersigned Contractor, and as amended by any authorized changes and the foregoing is a true and correct statement of the amount for the Final Estimate, the provisions of M.S. 290.92 have been complied with and that all claims against me by reason of the contract have been paid or satisfactorially secured.

Contractor: North Pine Aggregates, Inc.

By *[Signature]* Project Manager
 Name Title

Date 10/7/13

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:

ENGINEER: CITY OF RAMSEY

By *[Signature]* Civil Engineer II
 Leonard Linton, PE

Date 10/10/13

APPROVED FOR PAYMENT:

OWNER: City of Ramsey

By *[Signature]* City Engineer 10/15/13
 Name Title Date

CC Regular Session

4. 12.

Meeting Date: 10/22/2013

Submitted For: Bruce Westby, Engineering/Public Works

By: MaryJo Warner, Engineering/Public Works

Information

Title

Adopt Resolution #13-10-180 Approving Partial Payment to Douglas-Kerr Underground LLC for IP 13-11 COR TWO Site Improvements

Purpose/Background:

To review and approve the attached Resolution and Pay Request.

Recommendation:

The Engineering Technician IV has inspected the completed work and recommends partial payment to Douglas-Kerr Underground, LLC for IP 13-11 COR TWO Site Improvements in the amount of \$67,516.59.

Action:

Motion to adopt Resolution #13-10-180 approving partial payment to Douglas-Kerr Underground, LLC for IP 13-11 COR TWO Site Improvements in the amount of \$67,516.59.

Attachments

Resolution

Pay Request

Form Review

Inbox	Reviewed By	Date
Bruce Westby	Bruce Westby	10/16/2013 11:23 AM
Kurt Ulrich	Kurt Ulrich	10/17/2013 02:47 PM
Form Started By: MaryJo Warner		Started On: 10/14/2013 01:47 PM
Final Approval Date: 10/17/2013		

Commissioner introduced the following resolution and moved for its adoption:

HRA RESOLUTION #13-10-180

RESOLUTION APPROVING PARTIAL PAYMENT TO DOUGLAS-KERR UNDERGROUND, LLC FOR PROJECT 13-11 COR TWO (SUNWOOD RETAIL) STAGE 1 IMPROVEMENTS

WHEREAS, pursuant to a motion of the Ramsey Housing and Redevelopment Authority, adopted April 9, 2013, authorizing the completion of plans and specifications for the COR TWO (Sunwood Retail) Stage 1 (common) improvements; and

WHEREAS, pursuant to a motion of the Ramsey Housing and Redevelopment Authority, adopted May 14, 2013, accepting plans and specifications and authorizing advertisement for bids for making the COR TWO (Sunwood Retail) Stage 1 (common) improvements including street, utility and drainage improvements, and other necessary appurtenant work, bids were received, opened, and tabulated, and bids were found to comply with the advertisement for bids:

WHEREAS, on June 11, 2013 the bid of Douglas-Kerr Underground, LLC of Mora, Minnesota in the amount of \$241,875.50 for the total base bid, was awarded; and

WHEREAS, as of October 22, 2013 \$165,889.95 has been paid to date; and

WHEREAS, the Engineering Technician IV has inspected the completed work and recommends partial payment to Douglas-Kerr Underground, LLC in the amount of \$67,516.59.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA:

- 1) That the City Council hereby authorizes partial payment to Douglas-Kerr Underground, LLC for Improvement Project #13-11; in the amount of \$67,516.59.
- 2) That the City Council hereby accepts the project and authorizes the Mayor or City Administrator to sign the release form for this payment.
- 3) That the total amount of this payment is not included in resolutions approving payment of bills for the date of October 22, 2013.
- 4) That the City of Ramsey Finance Department will be provided a signed copy of this resolution.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly passed and adopted by the Ramsey Housing and Redevelopment Authority this the 22nd day of October, 2013.

Chair

ATTEST:

HRA Executive Director

Pay Estimate Summary Sheet
IP 13-11 COR TWO SITE IMPROVEMENTS

City of Ramsey

PAY ESTIMATE NO.

2

TOTAL CONTRACT	\$	241,875.50
TOTAL CONTRACT	\$	241,875.50
STORED MATERIALS		
TOTAL, COMPLETED WORK TO DATE	\$	245,691.10
TOTAL WORK COMPLETED PLUS STORED MATERIALS	\$	245,691.10
RETAINED PERCENTAGE 5%	\$	12,284.55
NET AMOUNT DUE TO CONTRACTOR TO DATE	\$	233,406.54
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES	\$	165,889.95
PAY CONTRACTOR PER ESTIMATE NO. 2	\$	67,516.59

Certificate for Partial Payment

I hereby certify that, to the best of my knowledge and belief, all items, quantities and prices of work and material shown on the this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between owner and the undersigned Contractor, and as amended by any authorized changes and the foregoing is a true and correct statement of the contract amount for the period covered by this estimate.

Contractor: Douglas-Kerr Underground, LLC

By *Kevin L. Dyle* President
Name Title

Date 10-14-13

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:
ENGINEER: CITY OF RAMSEY

By *Leonard Linton* Civil Engineer II
Leonard Linton, PE

Date 10-14-13

APPROVED FOR PAYMENT:

OWNER: City of Ramsey

By *Bruce W. [Signature]* City Engineer 10/15/13
Name Title Date

Meeting Date: 10/22/2013

By: Diana Lund, Finance

Information

Title

Report From the Finance Committee of October 8, 2013

Ratify the recommendations of the Finance Committee with the following actions:

- 1. Recommend to City Council to accept the 2014 Schedule of Rates, Fees and Charges as proposed*
- 2. Reschedule the discussion and review of 2014 Proposed General Fund Budget and 5-Year Budgets: 2014-2018 when all
all Finance Committee members can be present*

Purpose/Background:

Purpose: To Ratify the recommendations of the Finance Committee of October 8, 2013.

The Finance Committee met on October 8, 2013 to consider the following two cases:

Case 1 of 2: Review Proposed 2014 Schedule of Rates, Fees and Charges

Case 2 of 2: Discussion and Review of 2014 Proposed General Fund Budget and 5-Year Budgets: 2014-2018

Notification:

The Finance Committee agenda is attached.

Funding Source:

Not Applicable.

Recommendation:

Case 1 of 2: The Finance Committee motioned to recommend to City Council to accept the 2014 Schedule of Rates, Fees and Charges as proposed.

Case 2 of 2: The Finance Committee motioned to table this item and bring to a future Finance Committee Meeting as Chair Riley was absent.

Action:

Case 1 of 2: Motion to confirm the recommendation of the Finance Committee to accept the 2014 Schedule of Rates, Fees and Charges as proposed and to bring to City Council for Adoption. Ordinance introduction is scheduled for November 12, 2013 regular City Council meeting.

Case 2 of 2: Motion to accept the recommendation of the Finance Committee to table this item and bring to a future Finance Committee meeting. Finance Committee meeting is being scheduled for November 12, 2013.

Attachments

FC Agenda 10-8-13

2014 Proposed Schedule of Rates, Fees and Charges

Form Review

Inbox

Kurt Ulrich

Form Started By: Diana Lund

Final Approval Date: 10/17/2013

Reviewed By

Kurt Ulrich

Date

10/17/2013 02:38 PM

Started On: 10/11/2013 10:25 AM

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City of Ramsey
Agenda
Finance Committee
Tuesday October 8, 2013
5:00 pm
Lake Itasca Room, 7550 Sunwood Drive NW

1. **Call to Order**
2. **Citizen Input**
3. **Approve Agenda**
4. **Committee Business**
 1. Proposed 2014 Schedule of Rates, Fees and Charges
 2. Discussion and Review of 2014 Proposed General Fund Budget and 5-Year Budget: 2014 -2018
5. **Adjournment**

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4. 1.

Finance Committee**Meeting Date:** 10/08/2013**By:** Diana Lund, Finance**Information****Title:**

Proposed 2014 Schedule of Rates, Fees and Charges

Background:

The attached schedule shows most fees proposed for 2014 remaining constant with 2013 charges.

The proposed changes are as such:

- *Sewer Availability Charge (SAC) from \$2,435 to \$2,485 - Met Council sets rate
- *Water Availability Charge (WAC) from \$1,148 to \$1,177 - 2.5% Increase per 2012 Water Comprehensive Study
- *Park Dedication-Cash Contribution Residential from \$2,475 to \$2,600 Per August Park & Rec Committee
- *Trail Development Fee-Residential from \$600 to \$700/unit Per August Park & Rec Committee
- *Personal Injury Accident-Non Resident from \$500 to \$0 (Difficult to collect, Minimal Activity)
- *E Cigarette Sales- \$250 New Fee (follows regular cigarette fee)
- *E Cigarette Sales with verification technology - \$150.00 New Fee (follows regular cigarette fee)
- *Sewer Connection Charges - Residential from \$1099 to \$1,126 - 2.5% Increase per 2012 Sewer Comp Study
- *Sewer Connection Charges - Commercial from \$3,308 to \$3,391 - 2.5% Increase per 2012 Sewer Comp Study
- *Sewer Lateral Charge - from \$3,328 to \$3,411 - 2.5% Increase per 2012 Sewer Comp Study
- *Storm Drainage - Residential from \$10.03/qtr to \$10.28/qtr - 2.5% Increase due to CIP Project Mandates
- *Storm Drainage - Commercial from \$40.12REU/qtr to \$41.12REU/qtr - 2.5% Increase due to CIP Project Mandates
- *Storm Drainage Trunk - Residential from \$448 to \$459 - 2.5% Increase due to CIP Project Mandates
- *Storm Drainage Trunk - Commercial from \$4,465 to \$4,577 - 2.5% Increase due to CIP Project Mandates
- *Water Usage Minimum Usage - From \$35.70/qtr to \$36.45/qtr - 2% Increase due to 2012 Water Comp Study
- *Water Connection Charges - Residential from \$1,558 to \$1,597 - 2.5% Increase per 2012 Water Comp Study
- *Water Connection Charges - Commercial from \$5,835 to \$5,981 - 2.5% Increase per 2012 Water Comp Study
- *Water Lateral Charge - from \$6,143 to \$6,297 - 2.5% Increase per 2012 Water Comp Study

Notification:

The Schedule of Rates, Fees and Charges are adopted annually by ordinance. A public hearing on the ordinance is normally held in November to allow the thirty day waiting period and have the rates become effective January 1, 2014.

Observations/Alternatives:

- Hold all rates constant with 2013 rates with the exception of the SAC charge which is mandated by Met Council
- Accept the rates as proposed above
- Accept rates as recommended by Finance Committee

Funding Source:

Not Applicable

Council Action:

Motion to recommend to the City Council to accept the rates as proposed, adjust rates, or hold rates constant with 2013 with exception of the SAC charge.

Attachments

2014 Proposed Schedule of Rates, Fees & Charges

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Diana Lund	10/01/2013 02:59 PM
Diana Lund (Originator)	Diana Lund	10/01/2013 03:02 PM
Kurt Ulrich	Kurt Ulrich	10/03/2013 09:42 AM
Form Started By: Diana Lund		Started On: 09/25/2013 10:24 AM
Final Approval Date: 10/03/2013		

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4. 2.

Finance Committee

Meeting Date: 10/08/2013
By: Diana Lund, Finance

Information

Title:

Discussion and Review of 2014 Proposed General Fund Budget and 5-Year Budget: 2014-2018

Background:

The Council adopted the proposed 2014 General Fund Budget at its regular meeting of September 10, 2013. The Finance Committee has asked to review the individual line items of the 2014 budget prior to a full council budget work session in late October/November after tax rates are received from the County.

A five-year budget, 2014-2018 has also been requested and prepared based on past history, proposed 2014 budget, strategic planning action items, inflationary factors and capital equipment requests. The off-setting tax capacity rates were calculated based on conservative growth estimates from the county, Tax Increment Financing (TIF) decertifications (TIF #4 & #7) and proposed debt service.

Notification:

- 2014 General Fund Budget
- 5-Year Budget Assumptions
- 5- Year Tax Capacity Rate Calculations
- 2014-2018 Line Item Budget

Recommendation:

Discussion Only.

Funding Source:

Not Applicable.

Council Action:

Discussion only. Review of individual line items contained within 2014 Proposed General Fund Budget and review of assumptions within the 5-Year 2014-2018 budget document.

Attachments

- [2014 Proposed General Fund Budget](#)
- [5 Year Budget Assumptions](#)
- [5 Year Tax Capacity Rates](#)
- [5 Year Budget 2014-2018](#)

Form Review

Inbox
 Kurt Ulrich

Reviewed By
 Kurt Ulrich

Date
 10/03/2013 09:38 AM

Form Started By: Diana Lund

Started On: 09/25/2013 10:24 AM

CITY OF RAMSEY
2014 PROPOSED SCHEDULE OF RATES, FEES AND CHARGES

	SERVICE OR LICENSE	SPECIAL NOTES	2013 Adopted 11-27-12 Amended 5-28-13 & 9/24/13	2014 Proposed
Administrative Hearings/Citations/Abatements				
	Abatement: Administration Fee		25% of cost of abatement or \$750, whichever is less	
	Administrative Citation: Violations of 10 - Animals			25.00
	Administrative Citation: Violations of 26 - Rental Property			75.00
		2nd offense w/in 12months		250.00
		3rd offense w/in 12 months		500.00
	Administrative Citation: Violations of 30 - Public Nuisance	1st offense after failure to abate within 14 days		75.00
		2nd offense w/in 12months		250.00
		3rd offense w/in 12 months		500.00
	Administrative Citation: Violations of 42 - Dump Garbage/Refuse			75.00
		2nd offense w/in 12months		250.00
		3rd offense w/in 12 months		500.00
	Administrative Citation: Violations of 54 - Prohibited Parking			25.00
	Administrative Citation: Violations of 54 - Recreational Vehicles			75.00
		2nd offense w/in 12months		250.00
		3rd offense w/in 12 months		500.00
	Administrative Citation: Violations of 54 - Time Zone Parking			25.00
	Administrative Citation: Violations of 105 - Construction			75.00
		2nd offense w/in 12months		250.00
		3rd offense w/in 12 months		500.00
	Administrative Citation: Violations of 105 - Exterior Completion			75.00
		2nd offense w/in 12months		250.00
		3rd offense w/in 12 months		500.00
	Administrative Citation: Violations of 105 - No Permit			75.00
		2nd offense w/in 12months		250.00
		3rd offense w/in 12 months		500.00
	Administrative Citation: Violations of 105 - Property Identification			75.00
		2nd offense w/in 12months		250.00
		3rd offense w/in 12 months		500.00
	Administrative Citation: Violations of 113 - Sewage			75.00
		2nd offense w/in 12months		250.00
		3rd offense w/in 12 months		500.00
	Administrative Citation: Violations of 117 - Off Street Parking			25.00
	Administrative Citation: Violations of 117 - Signs			75.00
		2nd offense w/in 12months		250.00
		3rd offense w/in 12 months		500.00
	Administrative Citation: Violations of 117 - Landscaping			75.00
		2nd offense w/in 12months		250.00
		3rd offense w/in 12 months		500.00
	Administrative Hearing: Filing Fee			250.00
Alcoholic Beverages				
	3.2 beer off-sale			100.00
	3.2 beer on Sale			200.00
	Change of Name-Liquor Establishment			50.00
	Liquor License Investigation fee	Corporate		500.00
		Partnership		500.00
		Sole-Proprietor		500.00
	Liquor off-sale			380.00
		Tiered Payment System:		
		License Reduced by:		

CITY OF RAMSEY
2014 PROPOSED SCHEDULE OF RATES, FEES AND CHARGES

SERVICE OR LICENSE	SPECIAL NOTES	2013 Adopted 11-27-12 Amended 5-28-13 & 9/24/13	2014 Proposed
	\$100-Meet State Statutes Conditions		
	\$100-Purchase/Utility ID Technology		
Liquor on-sale			5000.00
Liquor on-sale Sunday			200.00
Wine License Investigation fee	Corporate		500.00
	Partnership		500.00
	Sole Proprietor		500.00
Wine on-sale			1,000.00
2 a.m. closing (optional)			300.00
Amusement & Commercial Recreation			
Temporary Amusement Center (Carnivals, Circus)			250.00
Lawful gambling Investigation fee - New applicant only	Limit \$100.00		100.00
Lawful gambling Investigation fee - Single Events			50.00
Fire Works Sales-Business selling only fireworks	Ordinance Adopted 6/11/02		350.00
Fire Works Sales-Retail Sellers			100.00
Parade Permit			100.00
Special Events - Ex: Music festival, performing arts, parades, carnivals, 5K Run	Including Clean Up Fees, Electrical Inspection Fees	\$50 Application fee + License Fee to be determined per event by CC + Staff Time @ 2.30* wage/hour	
All Other Misc Permit/Licenses		\$50/Admin fee + Staff time @ 2.30/hr if needed	
Building Construction			
Administrative Fee-Process Returned Bldg Permits			25.00
Basement Finish	Cover 3 trips		141.00
Building permit		1997 UBC Table 1A	
Building plan check (65% of bldg. permit) 1997 UBC Table 1A		65% of Bldg. Permit Fee	
Plan Check Fee for Duplicate Plans		25% of Bldg. Permit Fee	
Plan Check Fee for Accessory Structures	Garages, Remodels, Additions, etc.	65% of Bldg. Permit Fee	
Plan Check Fee for changes, additions, or revisions to plans		47.00/hr/Minimum 1 hr	
Air Conditioner Replacement			47.00
Air Conditioner & Furnace Replacement (Combination)			47.00
Deck Permit			94.00
Demo Permit			94.00
Driveway Escrow			2000.00
Electrical Permit Fee		Per Attached Sheet	
Erosion Control Escrow	State Required		1500.00
Fence Permit	Over 6 feet in height	LMC Fee Table	
Fireplace Permit	Cover 2 trips		94.00
Furnace Replacement			47.00
Inspections-After Hours/Weekend		70.50/hr/minimum 2 hr	
Investigation Fee	Work Started Without a Permit	Equal to Permit Fee	
Gas Line (Residential)			47.00
Gas Water Heater Replacement			47.00
Landscape Escrow			5000.00
Lawn Irrigation-Residential	Cover 1 trip		47.00
Lawn Irrigation-Commercial (Multi)			60.00
Mechanical Permit-Residential	New Construction		150.00
	Remodel/Addition		94.00
Mechanical permit-Commercial	New Construction	1% of Job Value/Minimum \$200.00	
	Remodel/Addition	1% of Job Value/Minimum \$100.00	
Plan Check fee (65% of commercial mechanical permit)		65% of Comm Mech Permit fee	
Moving Structure Permit			94.00
Moving Structure Permit Site Inspection			94.00
Mobile Home Tie Down			45.00

CITY OF RAMSEY
2014 PROPOSED SCHEDULE OF RATES, FEES AND CHARGES

	SERVICE OR LICENSE	SPECIAL NOTES	2013 Adopted 11-27-12 Amended 5-28-13 & 9/24/13	2014 Proposed
	Mobile Home Water Hookup		60.00	
	Outside Consultants-Plan check and/or Inspections	All administrative and Over head Costs	Actual Costs	
	Permit/Inspection Card-Replacement or Duplicate		5.00	
	Plumbing permit- Residential/Single Family	New Construction	200.00	
		Remodel/Addition	94.00	
	Plumbing permit- Commercial	New Construction	1% of Job Value/Minimum \$300.00	
		Remodel/Addition	1% of Job Value/Minimum \$150.00	
	Public Sidewalk Panels-Broken		Min \$1,500	
	Reinspection Fees		47.00 per trip	
	Re-Roofing/Shingling Permit-Residential	Cover 2 trips	94.00	
	Re-Roofing/Shingling Permit-Commercial/Multi-Family		LMC Fee Table	
	Re-Siding Permit	Cover 2 trips	94.00	
	Replacement Windows	Residential/pre inspection	94.00	
	Septic system permit-residential		150.00	
	Septic system permit-commercial		250.00	
	Septic Tank Installation Permit-Residential		150.00	
	Service Availability Charge (SAC)	[current MCES rates]	2,435.00	2,485.00
	SAC Handling Fee - per address		25.00	
	Septic Tank Pumping Permit		20.00	
	Sewer permit (Utility Connection)-Residential		75.00	
	Sewer permit (Utility Connection)-Commercial		2% of Job Value/Minimum \$250.00	
	Site Evaluation Fee		45.00	
	State Surcharge	Applies to all permit types	\$5.00 Fixed Fee/\$.0005 Value-Based Permits	
	Swimming pool permit		125.00	
	Vacuum Breaker Verification for Irrigation System (RPZ)-Residential		47.00	
	Vacuum Breaker Verification for Irrigation System (RPZ)-Commercial		60.00	
	Water Availability Charge (WAC) - per address	Per 2012 Comprehensive Water System Study	1,148.00	1,177.00
	Water Softener Permit-residential	State Statute	15.00	
	Water permit (Utility Connection)-Residential		75.00	
	Water permit (Utility Connection)-Commercial		2% of Job Value/Minimum \$250.00	
Business				
	Administrative Fee - Process Returned Business Permits		25.00	
	Business Registration Certificate (BRC)	Original Application	30.00	
	Contractor License	All Contractors	50.00	
	Garbage & refuse hauler		50.00	
	Gasoline sales		250.00	
	License Late Fee		15% of license fee/month	
	Motor vehicle sales/rental		175.00	
	Multiple dwelling/Residential Rental	2-Year License	75.00/unit	
	Multiple dwelling/Residential Rental (Initial License)	2-YR License; If Inspection covered with CO	37.50/unit	
	Pawn broker/Precious Metals		4,000.00	
	Transaction Fee-Pawnbroker enters		1.35/per transaction	
	Transaction Fee-State Entered		2.10/per transaction	
	Pawn broker Investigation fee	In-state Investigation	500.00	
		out-of-state Investigation	1,500.00	
	Second Hand Dealer		2,000.00	
	Second Hand Dealer Investigation fee	In-state Investigation	500.00	
		out-of-state Investigation	1,500.00	
	Transient merchant/peddler/solicitor		100 + 35 per person background	
City Financing				

CITY OF RAMSEY
2014 PROPOSED SCHEDULE OF RATES, FEES AND CHARGES

SERVICE OR LICENSE		SPECIAL NOTES	2013 Adopted 11-27-12 Amended 5-28-13 & 9/24/13	2014 Proposed
	Interest rate charge - non-bonded programs [bonded projects will be dependent upon Interest rates being paid]	US Treas. rates as of 9/1	US Treas. rate + 2 points	
Equipment Rental/				
When Available	Chipper (Staffing see PW Maintenance Worker below)	Per Fema Schedule of Equipment Rates + staffing	45.50/hr	
	Water Truck (Staffing see PW Maintenance Worker below)	Per Fema Schedule of Equipment Rates + staffing	42.00/hr	
	Loader (Staffing see PW Maintenance Worker below)	Per Fema Schedule of Equipment Rates + staffing	70.00/hr	
	Motor grader (Staffing see PW Maintenance Worker below)	Per Fema Schedule of Equipment Rates + staffing	70.00/hr	
	All Equipment Rental not listed above	Per Fema Schedule of Equipment Rates + staffing	Per FEMA schedule	
	Public Works Maintenance Worker		2.30 x wage/hr	
	Portable Toilet		Actual Cost	
Facility Use				
	Antenna Lease - City Owned Property [PCS towers]	Per Individual Agreement	Per Individual Agreement	
	Concession stand/pavilion/shelter - per day/event - residents	Includes 7.125% sales tax	35.00	
	Concession stand/pavilion/shelter - per day/event - non-res.	Includes 7.125% sales tax	55.00	
	Key deposit - per building		55.00	
	Softball/baseball field maintenance - youth teams	Includes 7.125% sales tax	10.00/game	
	Football field maintenance - youth teams	Includes 7.125% sales tax	44.00/week	
	Soccer field maintenance - youth teams			
	Full Size	Includes 7.125% sales tax	35.00/week	
	1/2 Size	Includes 7.125% sales tax	18.00/week	
		Includes 7.125% sales tax	10.00/week	
	Field Layout Field-Soccer, Football, Lacrosse		100.00	
	Tennis court - non-residents	Includes 7.125% sales tax	17.00	
	Basketball court - non-residents	Includes 7.125% sales tax	17.00	
	Volleyball court - non-residents	Includes 7.125% sales tax	17.00	
	Horseshoe pit - non-residents	Includes 7.125% sales tax	17.00	
	Lighted ballfield Deposit Fee		100/individual 500/athletic organization	
	Lighted ballfield - residents	Includes 7.125% sales tax	14.00/hr	
	Lighted ballfield - non-residents	Includes 7.125% sales tax	14.00/hr + 25.00	
	Light - Used By ARAA		Actual Cost	
	Athletic Field Marking Paint - ARAA		Actual Cost	
	Municipal/Park Center - Damage Deposit per event		100.00	
	Municipal Center per day/event	Includes 7.125% sales tax		
	Alexander Ramsey Room			
	Standard Room Fees:			
	For Profit Groups: Resident	For Profit Groups: Resident	100.00	
	Non-Profit Groups: Non-Resident	Non-Profit Groups: Non-Resident	125.00	
	Business Networking Groups	Business Networking Groups	0.00	
	General Public: Resident/Homeowner Associations	General Public: Resident/Homeowner Associations	50.00	
	General Public: Non-Resident	General Public: Non-Resident	125.00	
	Minimum Maintenance Fee:			
	Non-Profit	Non-Profit	5.00	
	Business Networking Groups	Business Networking Groups	20.00	
	Lake Itasca Room			
	Standard Room Fees:			
	For Profit Groups: Resident	For Profit Groups: Resident	60.00	
	Non-Profit Groups: Non-Resident	Non-Profit Groups: Non-Resident	100.00	
	Business Networking Groups	Business Networking Groups	0.00	
	General Public: Resident/Homeowner Associations	General Public: Resident/Homeowner Associations	30.00	

CITY OF RAMSEY
2014 PROPOSED SCHEDULE OF RATES, FEES AND CHARGES

SERVICE OR LICENSE	SPECIAL NOTES	2013 Adopted 11-27-12 Amended 5-28-13 & 9/24/13	2014 Proposed
General Public: Non- Resident	General Public: Non- Resident	100.00	
Minimum Maintenance Fee:			
Non-Profit	Non-Profit	5.00	
Business Networking Groups	Business Networking Groups	15.00	
Trott Brook/Rum River/Mississippi Room			
Standard Room Fees:			
For Profit Groups: Resident	For Profit Groups: Resident	30.00	
Non-Profit Groups: Non-Resident	Non-Profit Groups: Non-Resident	75.00	
Business Networking Groups	Business Networking Groups	0.00	
General Public: Resident/Homeowner Associations	General Public: Resident/Homeowner Associations	15.00	
General Public: Non- Resident	General Public: Non- Resident	75.00	
Minimum Maintenance Fee:			
Non-Profit	Non-Profit	5.00	
Business Networking Groups	Business Networking Groups	10.00	
All Room Rentals: Additional Fees:			
Audio Visual (as Requested)	Non-Profit	5.00	
	For Profit Groups: Resident	15.00	
	Non-Profit Groups: Non-Resident	15.00	
	Business Networking Groups	15.00	
	General Public: Resident/Homeowner Associations	10.00	
	General Public: Non- Resident	150.00	
After Hours/Weekend Hourly Rate	Non-Profit	54.00/Hr	
	For Profit Groups: Resident	54.00/Hr	
	Non-Profit Groups: Non-Resident	54.00/Hr	
	Business Networking Groups	54.00/Hr	
	General Public: Resident/Homeowner Associations	54.00/Hr	
	General Public: Non- Resident	54.00/Hr	
Deposit (Every User/Every Room)	Non-Profit	100.00	
	For Profit Groups: Resident	100.00	
	Non-Profit Groups: Non-Resident	100.00	
	Business Networking Groups	100.00	
	General Public: Resident/Homeowner Associations	100.00	
	General Public: Non- Resident	100.00	
	After Hours/Weekend Fee	125.00+54.00/hr	
	Audio/visual equipment use	125.00+54.00/hr	
PACT SCHOOL FIELD MAINTENANCE	5% Increase per year	551.00	
Park Center per day/event - residents	Includes 7.125% sales tax	95.00	
Park Center per day/event - non-residents	Includes 7.125% sales tax	125.00	
Picnic Table Moving		65.00/Table	
Ramsey Amphitheater Rental:			
Resident	3-Hour Minimum	50.00	
Non-Resident	3-Hour Minimum	75.00	
Softball tournament damage deposit	Per Field	150.00	
Softball tourn. rental per field/per event		240.00	
Warming house per day/event - residents		95.00	
Warming house per day/event - non-res.		125.00	

CITY OF RAMSEY
2014 PROPOSED SCHEDULE OF RATES, FEES AND CHARGES

	SERVICE OR LICENSE	SPECIAL NOTES	2013 Adopted 11-27-12 Amended 5-28-13 & 9/24/13	2014 Proposed
Miscellaneous	Cemetery Plot (Trott Brook Cemetery)		700.00	
	Cemetery Plot Perpetual Care		200.00	
	Comp Plan CD		10.00	
	City Information-CD Format		10.00/disc	
	Kennel License (Administrative)	4th Dog on Property	30.00	
	Maps - City (28X 24)		5.00	
	Maps - Zoning (28 X 34)		15.00	
	Maps - Zoning/Address (34 X 44)		25.00	
	Maps-Zoning or Comp Plan (11 X 17)		6.00	
	Maps - Plat		10.00	
	Maps - Topo aerials per half section		20.00	
	Maps- Parks & Trails 11 X 17)		6.00	
	Maps - Parks & Trails (36 X 24)		15.00	
	Maps-Large Ward/Precinct	With Addresses	25.00	
	Notary Fee	State Statute	3.00	
	Photo copies - one-sided	Up to 100 pages, over 100 pages plus staff time	0.25	
	Photo copies - duplexed	Up to 100 pages, over 100 pages plus staff time	0.25	
	Political office filling fee	State Statute	5.00	
	Public hearing publications		At City Cost	
	Returned check		35.00	
	Reissued Check Fee		15.00	
	Special assessment search		30.00	
Planning and Zoning	Comp Plan Amendment Application		200.00	
	Comp Plan Escrow		700.00	
	Conditional use escrow minimum		800.00	
	Conditional use permit application		200.00	
	Conditional use escrow min-envir on sens		2000.00	
	Conditional use permit app.-envir on sens		200.00	
	Conditional use permit annual inspection		75.00	
	Dock permit		25.00	
	Environmental Permit		200.00	
	Environmental Escrow		400.00	
	Industrial Revenue Bond - application		200.00	
	Industrial Revenue Bond - escrow		1000.00	
	Interim Use Permit Escrow - Minimum		600.00	
	Interim Use Permit Application		200.00	
	Interim Use Annual Inspection Fee		75.00	

CITY OF RAMSEY
2014 PROPOSED SCHEDULE OF RATES, FEES AND CHARGES

	SERVICE OR LICENSE	SPECIAL NOTES	2013 Adopted 11-27-12 Amended 5-28-13 & 9/24/13	2014 Proposed
	Park Dedication - Cash Contribution: Residential Unit	Including Townhomes & Apartment Units	2475./dwelling unit	2600/dwelling unit
	Park Dedication - Cash Contribution: Residential Unit	Exceed 12+ units per acre	7.5% Discount/\$2,289	7.5% Discount/\$2,405
	Park Dedication - Cash Contribution: Residential Unit	Exceed 20+ units per acre	15% Discount/\$2,104	15% Discount/\$2,210
	Park Dedication - Cash Contribution: Commercial/Assisted Living Facilities		4,738/acre	
	Park Dedication - Cash Contribution: Industrial		3,966/acre	
	Park Dedication - Land Contribution: Residential	0 - 3.0 dwelling units per acre	10% of land	
		3.1 - 5.0 dwelling units per acre	15% of land	
		5.1 + dwelling units per acre	Add .5% for each over 5	
	Park Dedication - Land Contribution: Commercial/Industrial/Assisted Living Facilities		5% gross land area	
	Park Dedication - Land Contribution: Planned Unit Developments	(public open space/rec. uses-not including wetlands)	10% gross land area	
			+2475/ dwelling unit	2600/dwelling unit
	Trail Development Fee - Cash Contribution: Residential Unit		600/dwelling unit	700/dwelling unit
	Trail Development Fee - Commercial/Industrial/Assisted Living Facilities		1,090/acre	
	Approval/Recording of Deeds:			
	Abstract Property		County Fee+\$10.00/staff Time	
	Torrens Property		County Fee+\$10.00/staff Time	
	Rezoning application		200.00	
	Rezoning escrow		400.00	
	Sign permit application - permanent		25.00	
	Sign permit - permanent		75.00	
	Sign permit - temporary		25.00	
	Site plan review application		200.00	
	Site plan review escrow		800.00	
	Special Council, HRA or Commission meeting fee		350.00	
	Temporary Structure escrow		500.00	
	TIF/Conduit Debt Application Fee		4000/+legal fee deposit	
	Vacation of easement application		200.00	
	Vacation of easement escrow		300.00	
	Variance application		200.00	
	Variance escrow		400.00	
	Zoning Permit		25.00	
Platting or Subdividing				
	Address Charge		175.00	
	Administrative (Interior lot lines) escrow		225.00	
	Administrative (Interior lot lines) app.		200.00	
	Major Subdivision escrow		1500.00	
	Major Subdivision application		300.00	
	Minor subdivision escrow		900.00	
	Minor subdivision application		200.00	
	Registered land survey escrow		300.00	
	Registered land survey application		200.00	
Professional Services				
	Administrative Fee (Project Related Activity-Staff admin)	Consultants hired for project: Ex: Hakanson Ander	3% of contractor bill	
	Attorney - municipal		At City cost	
	Attorney - non-municipal		At City cost	
	City Staff Services		2.30 x wage/hr	
	Police Officer		76/hr	
	Other professional /staff services		2.30 X wage/hr	
Public Safety				
	Alarms: False (3rd offense)	In a Calendar Year	75.00	
	Alarms: False (4th offense)	In a Calendar Year	150.00	

CITY OF RAMSEY
2014 PROPOSED SCHEDULE OF RATES, FEES AND CHARGES

SERVICE OR LICENSE	SPECIAL NOTES	2013 Adopted 11-27-12 Amended 5-28-13 & 9/24/13	2014 Proposed
Alarms: False (5th offense)	In a Calendar Year	225.00	
Alarms: False (6th offense)	In a Calendar Year	300.00	
Car Seat Check -Non-Resident only		25.00	
Clandestine Drug Labs Remediation	Recovery of Public Costs	125% of Recovery Costs (Recovery Cost + 25% admin Fee)	
Copies: Audio/Video CD/DVD		20.00	
Copies: Incident/Investigative Reports	Per statute Ch163 sec 8 adopted 8/1/05	.25/page	
Copies: Statistical Summary Reports		5.00	
Dangerous Dog License		500.00	
Dog Impoundment fee		125.00+board	
Dog Impoundment fee - If Non Licensed		145.00 +board	
Dog Impoundment fee (2nd offense)	w/in 12 months (+50.00 each addtl w/in 12 mo)	175.00 +board	
Dog license - duplicate		5.00	
Dog license - male/female - 3 yr. license		20	
Dog license - male/female neutered/spayed - 3 yr. license		10	
Fire Prevention:			
Fire Suppression Fees:			
Permit		Valuation based/1997 UBC Fee Table 1-A	
		Minimum of 23.50	
Plan Review		65% of permit fee	
		\$5.00 Minimum State Surcharge	
Fire Alarm Fees:			
Permit		Valuation based/1997 UBC Fee Table 1-A	
		Minimum of 23.50	
Plan Review		65% of permit fee	
		\$5.00 Minimum State Surcharge	
Temporary Assembly/Tent Permit(Greater than 100 sq. ft.)		50.00/per tent	
Aboveground Tank Storage		100.00/per tank	
Underground Tank Storage		100.00/per tank	
Fuel Tank Storage Removal		100.00/per tank	
Daycare Inspection Fee		50.00	
Permit Re-Inspection Fee		50.00	
Fireworks/Pyrotechnic Display Permit		200.00	
Fireworks-Retail Sale Permit - Retailer only selling fireworks		350.00	
Fireworks-Retail Sale Permit-All other retailers		100.00	
Double Permit Fee		2 x normal permit fee	
Lock Box Fee:			
Surface Mount		215.00	
Recessed Box		255.00	
All Others		Actual cost + 10% Admin fee	
Fire Code Re-Inspection Fee		140.00	
Gas Line Hit By Contractors	Effective 4-1-10	300.00	
Open Burn Permits:			
Open burn permit application	Residential	25.00	
	Commercial	50.00	
Open burn permit fire suppression escrow		500.00	
Open burn permit fire suppression services		300.00/hr - min 300.00	
Illegal Burning	Effective 4-1-10	200.00	

**CITY OF RAMSEY
2014 PROPOSED SCHEDULE OF RATES, FEES AND CHARGES**

	SERVICE OR LICENSE	SPECIAL NOTES	2013 Adopted 11-27-12 Amended 5-28-13 & 9/24/13	2014 Proposed
	Subsequent Site Evaluations		45.00/visit	
	Fire Service Fee			
	Disaster Assistance		300.00/hr per truck	
	Ordinance Violations		300.00/hr	
	Victim Service Fee		300.00/hr per truck	
	Hunting Permit (Bow) per person		5.00	
	Hunting Permit (Shotgun) per person		5.00	
	Hunting Permit (Target Shooting) per person		5.00	
	Letter of Good Standing		10.00	
	Personal Injury Accident/Extrication Charge for Non-Residents	Effective 4-1-10	500.00	0.00
	Photo CD		20.00/cd	
	Photo Electronical Transfers		10.00/transmission	
	Photo Reprints		5.00 min chg + 1.00/print	
	Vehicle Lockout		20.00	
	Vehicle Storage		10.00/day	
Reimbursements				
	Mileage/personal vehicle (IRS allowable rate)	Always follow IRS adopted rate	.565/mile	
Right-of-Way				
	Permit Fee - Boring/Open Trench		\$95+\$15/Driveway, \$20/Road Closing + \$10,000 Bond per mile	
	Boulevard Tree Replacement		\$700/Tree	
	Permit Fee - Overhead		\$75+\$.05/linear foot	
Street and Traffic Charges				
	Developer contribution: street and/or traffic signs		Developer Installed	
	Bituminous Paving/Patching		25.00/sq yard	
	Culverts		Price + Tax	
	Street Sweeping: Equipment Only:	Per FEMA Schedule of Equipment Rates	74.00/Hr	
Tobacco				
	Cigarette Sales (vending and over-the counter)		250.00	
	Cigarette Sales with age verification technology		150.00	
	E-Cigarette Sales			250.00
	E-Cigarette Sales with age verification technology			150.00
UTILITY RATES				
	Assessment Charge for Unpaid Items Assessed	Administration fee	\$76/ACCT	
	Interest Rate on Unpaid Items Assessed		2 basis points over 10-year treasury	
	Penalty/late payment	Past due on current billing	10%	
Recycling Rates				
	Residential Curbside Program fee/qtr	Per Ace Contract	8.85/qtr	
Sewer Rates				
	Residential/Single dwelling usage fee/qtr		66.79	
	Multi-family(apt) & commercial usage fee/qtr		66.79+2.89/1000 gal. In excess of 20,000 gal.	
	Connection charge/res. equivalent	Per 2012 Comprehensive Water System Study	1,099.00	1,126.00
	Connection charge/acre comm./ind.	Per 2012 Comprehensive Water System Study	3,308.00	3,391.00
	Lateral Benefit Charges	Per 2012 Comprehensive Water System Study	3,328.00	3,411.00
Street Lights				
	Developer contribution:			

**CITY OF RAMSEY
2014 PROPOSED SCHEDULE OF RATES, FEES AND CHARGES**

	SERVICE OR LICENSE	SPECIAL NOTES	2013 Adopted 11-27-12 Amended 5-28-13 & 9/24/13	2014 Proposed
	Installation of Cobra street light		1300.00/light	
	traditional subdivision street light (w/100 ft of wire)		Developer Installed	
	New ROW COR Lights		\$2,600/light	
	street light O & M 3 year @ \$98/year		\$294/light	
	Residential billing:			
	urban subdivision street light rate per lot (>7/92)		9.01/qtr	
	rural subdivision street light rate per lot		14.85/qtr	
	priority street light rate per residential lot		1.37/qtr	
	Storm Water Management Rates			
	Residential		10.03/qtr	10.28/qtr
	Commercial		40.12/REU/qtr	41.12/REU/qtr
	Trunk charge/res. equivalent		448.00	459.00
	Trunk charge/acre comm./Ind.		4,465.00	4,577.00
	Water Rates			
	Minimum usage fee/qtr	Per 2012 Comprehensive Water System Study	35.70	36.45
	Quarterly Rate Structure			
		Conservation Rates	\$2.38 per 1,000 for 1st 15,000 gallons	\$2.43 per 1,000 for 1st 15,000 gallons
			\$2.47 per 1,000 for 15,001-25,000	\$2.52 per 1,000 for 15,001-25,000
			\$2.55 per 1,000 for 25,001-40,000	\$2.60 per 1,000 for 25,001-40,000
			\$2.70 per 1,000 for 40,001-60,000	\$2.75 per 1,000 for 40,001-60,000
			\$2.91 per 1,000 for 60,001-99,000	\$2.97 per 1,000 for 60,001-99,000
			\$3.22 per 1,000 for 99,001-201,000	\$3.28 per 1,000 for 99,001-201,000
			\$3.85 per 1,000 for 201,001 and above	\$3.93 per 1,000 for 201,001 and above
	Odd/Even Sprinkling Violations	Effective day after Memorial Day thru Day after Labor Day		
		No Sprinkling between 10 am-8:00 pm		
	First Violation		Written Warning & Registered Letter	
	Second Violation		50.00	
	Third Violation		100.00	
	Fourth Violation		Water Service turned off	
	Meter Replacement Admin Fee for Non-Compliance		\$75/qtr	
	Installation of meter w/remote (Res & Commercial)		140.00	
	Curb Stop driveway enclosure		65.00	
	5/8" Meter - Radio Read System		275.00	
	Replacement Meter Horn		45.00	
	Other than 5/8" meter		Cost plus 5%	
	Water shut off at Curbstop		100.00	
	Water shut off at Curbstop	Winter Period of November 1 - April 1	150.00	
	Townhouse Irrigation Meter Winterization		150.00	
	Broken Hydrant Replacement - Summer		500.00	
	Broken Hydrant Replacement - Winter		750.00	
	Connection charge/res. equivalent	Per 2012 Comprehensive Water System Study	1,558.00	1,597.00
	Connection charge/res. Within Reimbursement Area	PER \$6M Agreement with 21st Century Bank	1,925.00	1,925.00
	Connection charge/acre comm./Ind.	Per 2012 Comprehensive Water System Study	5,835.00	5,981.00
	Lateral Benefit Charges	Per 2012 Comprehensive Water System Study	6,143.00	6,297.00

Meeting Date: 10/22/2013

By: Grant Riemer, Engineering/Public Works

Information

Title:

Public Hearing to Adopt Ordinance Amending Section 58-113 (Water Connections) of the Ramsey City Code

Purpose/Background:

Since 1985 the City of Ramsey has required all private water services hooked to the municipal water supply be one (1) inch soft copper line. The Minnesota Plumbing Code Section 4715.0420 allows the use of many different types of service lines, including High Density Polyethylene (HDPE). HDPE is a quality, acceptable plastic pipe for water service. However, a municipality can require a certain type of material, and further restrict the use of others.

In 1985 the City of Ramsey chose to require soft copper for all service connections. The City currently has 4,100+ of these privately owned service lines that connect homes to the municipal water system. In contrast, homes on private well systems have been allowed to use HDPE for many years.

All materials used would be required to meet current standards as described by American Society for Testing and Materials (ASTM D2239) and be installed in accordance with ASTM D 2774 as listed in The Minnesota Plumbing Code.

One of the disadvantages of plastic pipe is that it is harder to locate these underground services. Consequently, the installer would also be required to include a twelve (12) gauge, direct bury tracer wire from the curb stop to the water meter. This wire would be used for locating purposes.

Finally, the city would still require one (1) inch copper pipe from the water main to the curb stop. This allows the utility department to positively locate our underground utilities.

Notification:

A Public Hearing Notification was posted in the Anoka County Union.

Observations/Alternatives:

Alternative #1. Adopt the Ordinance as drafted. This would be the preferred option. There are several advantages to allowing poly pipe for water service use and cost is major consideration. A 100 foot roll of one (1) inch Class C soft copper is approximately \$541.51 depending on the market. The same 100 foot roll of one (1) inch HDPE is approximately \$52.65. This factor saves the homebuyer/contractor in construction costs and also reduces the theft of copper at construction sites. As somewhat of a side issue, our police department would save staff time spent on responding to copper thefts and the follow up investigation. HDPE also comes in lengths up to 300 feet, where as copper comes in 100 foot lengths. As a result, the need for splices on longer runs would also be eliminated with the use of HDPE.

Alternative #2. Do not adopt the ordinance change and continue to require one (1) inch soft copper as the only material allowed for water service lines on the municipal water system.

Funding Source:

Preparation of the Ordinance is being handled as part of normal Staff duties.

Recommendation:

Staff recommends that the City Council introduce Ordinance #13-18.

Action:

Motion to waive the City Charter requirement to read the ordinance aloud -AND- adopt Ordinance #13-18 amending Ramsey City Code section 58-113 (Water Connections)

Roll Call Vote:

Councilmember Tossey
Councilmember Kuzma
Councilmember Riley
Councilmember Johns
Councilmember LeTourneau
Councilmember Backous
Mayor Strommen

Attachments

Ordinance 13 18

Form Review**Inbox**

Kurt Ulrich

Form Started By: Grant Riemer

Final Approval Date: 10/17/2013

Reviewed By

Kurt Ulrich

Date

10/17/2013 04:19 PM

Started On: 10/09/2013 02:50 PM

ORDINANCE #13-18

CITY OF RAMSEY

**ANOKA COUNTY
STATE OF MINNESOTA**

AN AMENDMENT TO CHAPTER 58 OF THE CITY CODE, WHICH CHAPTER IS KNOWN AS UTILITIES OF THE CITY CODE OF RAMSEY, MINNESOTA

AN ORDINANCE AMENDING SECTION 58-113 (WATER CONNECTIONS) OF THE RAMSEY CITY CODE.

The City of Ramsey Ordains:

SECTION 1 AUTHORITY

This ordinance is adopted pursuant to and under the authority of the City Charter of the City of Ramsey.

SECTION 2 AMENDMENTS

Section 58-113(a) is hereby amended as follows (additions indicated as underline, deletions indicated as ~~strike through~~):

- (a) ~~The minimum size water service shall be one inch copper.~~ The minimum size water service from the curb stop to the dwelling can be one inch High Density Poly Ethylene (HDPE) or one inch copper. The HDPE pipe shall contain a twelve (12) gauge tracer wire from curb stop to meter horn and must be accessible at both ends. The minimum size water service from the watermain to the curb stop shall be one inch copper.

SECTION 3. SUMMARY

The following is the official summary of Ordinance #13-18, which has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

It is the intent and effect of Ordinance #13-18 to amend Ramsey, Minnesota City Code Chapter to allow for the use of High Density Poly Ethylene (HDPE) pipe for water service connection.

SECTION 4. EFFECTIVE DATE

The effective date of this Ordinance is thirty (30) days after its passage and publication, subject to City Charter Section 5.07.

Adopted by the Ramsey City Council the 22nd day of October.

Mayor

ATTEST:

City Clerk

Introduction Date:

Posting Dates:

Adoption Date:

Publication Date:

Effective Date:

Meeting Date: 10/22/2013

By: Bruce Westby, Engineering/Public Works

Information

Title:

Continuation of Introduction of Franchise Ordinances with Anoka Municipal Utility and Connexus Energy

Purpose/Background:

The purpose of this case is the introduction of two draft franchise ordinances; Ordinance #13-19 with Anoka Municipal Utility, and Ordinance #13-20 with Connexus Energy. If Council supports both draft franchise ordinances as introduced, a second reading of the franchise ordinances may be called for the November 12th City Council meeting. After the second reading, Council may adopt both ordinances if no further revisions are desired.

Both utilities were previously granted franchise rights through Ordinance #92-13 allowing them to install, operate and maintain their utilities within city right-of-ways. However, Ordinance #92-13 expired at the beginning of this year so both utilities have since been installing, operating and/or maintaining their utility's within city right-of-ways without a current franchise ordinance.

The City's other utility operator, Centerpoint Energy, renewed their franchise agreement with the City in 2003.

On October 8th, two draft franchise ordinances were reviewed at a public hearing, however, the consideration of the introduction of the ordinances was continued to tonight's meeting. Adopting these ordinances will grant both utilities the right to continue to install, operate and maintain their utilities within city right-of-ways for another 20 years.

One of the provisions included in both draft franchise ordinances, which was also included in Ordinance #92-13, allows the City to impose franchise fees on the utilities, which would help fund our long-term street maintenance program. As such, these draft franchise ordinances must be adopted prior to the adoption of any franchise fee ordinances.

Two draft ordinances are needed to replace expired ordinance 92-13 as each utility now has unique ordinance language requirements. If Council requests minor revisions to either or both draft ordinances, a second reading of the ordinances can still be called for November 12th, and staff can make the requested revisions prior to the second reading. However, if major modifications are requested to either or both draft ordinances, another Public Hearing to introduce the revised ordinances is recommended before adoption of the ordinances is considered.

Notification:

None required.

Observations/Alternatives:

Draft ordinance language was provided to the City by both utility companies, which staff used to develop the attached draft ordinances. Staff then discussed the draft ordinances with both utility companies to make sure they approved of the draft ordinances prior to tonight's meeting so staff does not anticipate any objections by either utility company.

There has been an effort to keep the provisions of all three of our franchise agreement consistent with each other, so that all utilities are operating under similar rules. The Centerpoint Energy agreement that was passed by ordinance

in 2003 is the only agreement currently in place. Notably, the 2003 Centerpoint agreement does not include the franchise fee cap of "five per cent of the operator's gross revenues" which was in the previous ordinance that governed Connexus and the Anoka Municipal Utility. Consequently, this has been removed from the current proposed Connexus and Anoka Municipal Utility agreements.

The Charter Commission Chair has asked for input in regard to related provisions of the Charter that the Council may want the Charter Commission to consider. The Charter Commission's initial meeting on the topic is October 21, too late for full Council input, but staff will report on the Charter Commission meeting to allow the Council to consider the appropriate feedback and/or input into the process.

Both ordinances were clearly posted on the city's web site in advance of tonight's meeting as requested at the Public Hearing on October 8th.

Alternatives –

Alternative #1 - Call for a second reading of franchise ordinances #13-19 and #13-20 on November 12, 2013 as drafted.

Alternative #2 - Call for a second reading of franchise ordinances #13-19 and #13-20 on November 12, 2013 following minor modifications as directed.

Alternative #3 - Direct staff to make major modifications to the franchise ordinances and call for a new Public Hearing on November 12, 2013 to introduce the revised franchise fee ordinances.

Funding Source:

Preparation of the draft ordinances was completed by City staff as part of normal staff duties. The city attorney also reviewed the draft ordinances.

Recommendation:

Staff recommends alternative #1 or #2 if Council generally supports the attached franchise ordinances as drafted with no, or only minor, revisions requested.

Staff recommends alternative #3 if Council directs substantial modifications to one or both of the franchise ordinances.

Since these ordinances replace the expired Ordinance #92-13, and since these ordinances must be adopted before the franchise fee ordinances addressed in the following case can be adopted, staff recommends adopting these ordinances as soon as practical.

Action:

Call for a second reading of the ordinances on November 12, 2013.

-- OR --

Call for a Public Hearing on November 12, 2013 to introduce revised franchise ordinances with the following revisions:

(to be determined)

Attachments

9213 AMU CNXS Expired Ord

13-19 AMU F Ord

13-20 CNXS F Ord

Form Review

Inbox

Kurt Ulrich

Kurt Ulrich

Form Started By: Bruce Westby

Final Approval Date: 10/17/2013

Reviewed By

Kurt Ulrich

Kurt Ulrich

Date

10/17/2013 02:33 PM

10/17/2013 04:54 PM

Started On: 10/10/2013 01:59 PM

12.

ORDINANCE #92-13

CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

AN ORDINANCE GRANTING TO ANOKA ELECTRIC COOPERATIVE, A MINNESOTA COOPERATIVE, AND ANOKA MUNICIPAL ELECTRIC, A MUNICIPAL ELECTRIC DISTRIBUTOR, THEIR SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF RAMSEY, MINNESOTA AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS AND OTHERS AND TO USE PUBLIC WAYS AND PUBLIC GROUNDS OF THE CITY FOR SUCH PURPOSES.

SECTION 1. DEFINITIONS

- (1) "City" In this Ordinance, "City" means the City of Ramsey, County of Anoka, State of Minnesota.
- (2) "City Utility System" means the facilities used for providing sewer, water, or any other public utility service owned or operated by City or agency thereof.
- (3) "Cooperative" means Anoka Electric Cooperative, a Minnesota cooperative, its successors and assigns.
- (4) "Notice" means a writing served by any party or parties on any other party or parties. Notice to cooperative shall be mailed to the General Manager thereof at 2022 North Ferry Street, Anoka, 55303. Notice to City shall be mailed to the City Clerk. Notice to Municipal shall be mailed to the City Clerk at 2015 1st Avenue North, Anoka.
- (5) "Municipal" means Anoka Municipal Electric, a municipal electric distribution system.
- (6) "Public Way" means any street, alley, or other public right-of-way within the City.
- (7) "Public Ground" means land owned by the City for park, open space or similar purpose, which is held for use in common by the public.
- (8) "Electric Facilities" means electric transmission and distribution towers, poles, lines, guys, anchors, ducts, fixtures, and necessary appurtenances owned or operated by the Company for the purpose of providing electric energy for public use.
- (9) "Operator" means both the Cooperative and the Municipal as defined above.

SECTION 2. FRANCHISE

- (1) Grant of Franchise. City hereby grants, for a period of twenty (20) years from date of passage, the right to transmit and furnish electric energy for light, heat, power and other purposes for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Operator may construct, operate, repair and maintain Electric Facilities in, on, over, under and across the Public Ways and Public Grounds of City subject to the provisions of this ordinance. Operator may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to zoning ordinances, other applicable ordinances, permit procedures, and to the further provisions of this franchise.

- (2) **Effective Date; Written Acceptance.** This franchise shall be in force and effect from and after its passage and its acceptance by the Operator, and its publication as required by law. An acceptance by the Operator must be filed with the City Clerk within 90 days after publication.
- (3) **Service Rates and Area.** The service to be provided and the rates to be charged by Operator for electric service in City currently are subject to the jurisdiction of the Rural Electrification Administration, Washington D.C. in the case of the cooperative, and the Anoka Utilities Commission in the case of the Municipal. The area within the City in which the Operator may provide electric service currently is subject to the provisions of Minnesota Statutes.
- (4) **Publication Expense.** The expense of publication of this ordinance shall be paid by the City.
- (5) **Default.** If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. If the dispute is not resolved within 30 days of the written notice, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

SECTION 3. LOCATION, OTHER REGULATIONS

- (1) **Location of Facilities.** Electric Facilities shall be located and constructed so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and they shall be located on Public Grounds as determined by the City. The Operator's construction, reconstruction, operation, repair, maintenance and location of Electric Facilities shall be subject to other reasonable regulations of the City.
- (2) **Field Locations.** The Operator shall provide field locations for any of its underground Electric Facilities within a reasonable period of time on request by the City. The period of time will be considered reasonable if it compares favorably with the average time required by the cities in the same county to locate municipal underground facilities for the Operator.
- (3) **Street Openings.** The Operator shall not open or disturb the paved surface of any Public Way or Public Ground for any purpose without first having obtained permission from the City, for which the City may impose a reasonable fee. Permit conditions imposed on the Operator shall not be more burdensome than those imposed on other utilities for similar facilities or work. The Operator may, however, open and disturb the paved surface of any Public Way or Public Ground without permission from the City where an emergency exists requiring the immediate repair of Electric Facilities. In such event the Operator shall notify the City by telephone to the office designated by the City before opening or disturbing paved surface of a Public Way or Public Ground. Not later than the second working day thereafter, the Operator shall obtain any required permits and pay any required fees.
- (4) **Restoration.** After undertaking any work requiring the opening of any Public Way or Public Ground, the Operator shall restore the same, including paving and its foundation, to as good condition as formerly existed, and shall maintain the same in good condition for two years thereafter. The work shall be completed as promptly as weather permits, and if the Operator shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Way or Public Ground in the said condition, the City shall have, after demand to the Operator to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of the Operator. The Operator shall pay to the City the cost of such work done for or performed by the City, including its administrative expense and overhead, plus

ten percent additional as liquidated damages. This remedy shall be in addition to any other remedy available to the City.

- (5) **Shared Use of Poles.** The Operator shall make space available on its poles or towers for City fire, water utility, police or other City facilities whenever such use will not interfere with the use of such poles or towers by the Operator, by another electric utility, by a telephone utility, or by any cable television company or other form of communication company. In addition, the City shall pay for any added cost incurred by the Operator because of such use by City under a separate joint use agreement. Any City facilities shall be installed and maintained in accordance with the National Electric Safety Code and other applicable codes.

SECTION 4. RELOCATIONS

- (1) **Relocation of Electric Facilities in Public Ways.** Except, as provided in Section 4 (3), if the City determines to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order the Operator to relocate its Electric Facilities located therein. The Operator shall relocate its Electric Facilities at its own expense. The City shall give the Operator reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Electrical Facilities, which was made at Operator expense, the City shall reimburse Operator for non-betterment expenses on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Operator may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Operator to relocate, remove, replace or reconnect at its own expense its facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.
- (2) **Relocation of Electric Facilities in Public Ground.** Except as may be provided in Section 4 (3), City may require the Operator to relocate or remove its Electric Facilities from Public Ground upon a finding by City that the Electric Facilities have become or will become a substantial impairment of the public use to which the Public Ground is or will be put. The relocation or removal shall be at the Operator's expense. The provisions of this paragraph apply only to Electric Facilities constructed in reliance on a franchise and the Operator does not waive its rights under an easement or prescriptive right.
- (3) **Projects with State or Federal Funding.** Relocation, removal, or rearrangement of any Operator facilities made necessary because of the extension into or through City of a generally-aided highway project shall be governed by the provisions of Minnesota Statutes. It is understood that the right herein granted to Operator is a valuable right. City shall not order Operator to remove, or relocate its facilities when a Public Way is vacated, improved or realigned because of a renewal or a redevelopment plan which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation and the loss and expense resulting therefrom are first paid to Operator, but the City need not pay those portions of such for which reimbursement to it is not available.
- (4) **Liability.** Nothing in the Ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Electric Facilities while performing any activity.

SECTION 5. TREE TRIMMING

The Operator may trim all trees and shrubs in the Public Ways and Public Grounds of City interfering with the proper construction, operation, repair and maintenance of any Electric Facilities installed hereunder, provided that the Operator shall save the City harmless from any liability arising therefrom, and subject to permit or other reasonable regulation by the City. The Operator may spray herbicides approved by the Environmental Protection Agency to accomplish same only with the approval of the Municipality on a case by case basis.

SECTION 6. INDEMNIFICATION

- (1) The Operator shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Electric Facilities located in the City. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, the Operator's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by Operator, and such performance is nevertheless ordered or directed by City after notice of Operator's determination.
- (2) In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, the Operator at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to the Operator within a period wherein the Operator is not prejudiced by lack of such notice. If the Operator is required to indemnify and defend, it will thereafter have control of such litigation, but the Operator may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City; and the Operator, in defending any action on behalf of the City shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

SECTION 7. VACATION OF PUBLIC WAYS

The City shall give the Operator at least two weeks' prior written notice of a proposed vacation of a Public Way. Except where required for a City street or other improvement project, the vacation of any Public Way, after the installation of Electric Facilities, shall not operate to deprive Operator of its rights to operate and maintain such Electrical Facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Operator. In no case, however, shall City be liable to the Operator for failure to specifically preserve a right-of-way, under Minnesota Statutes.

SECTION 8. CHANGE IN FORM OF GOVERNMENT

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of the Operator, succeed to all of the rights and obligations of the City provided in this Ordinance.

SECTION 9. FRANCHISE FEE

- (1) Separate Ordinance. In lieu of any permit or other fees being imposed on the Operator, the City may impose on the Operator a franchise fee of not more than five percent of the Operator's gross revenues as hereinafter defined. The initial franchise fee shall be imposed by a separate ordinance duly adopted by the City Council, which ordinance shall not be adopted until written notice enclosing such proposed ordinance has been served upon the Operator by certified mail. The fee shall not become effective until after written notice enclosing such adopted ordinance has been served upon the Operator by certified mail.

- (2) Terms Defined. The term "gross revenues" means all sums, excluding any surcharge or similar addition to the Operator's charges to customers for the purpose of reimbursing the Operator for the cost resulting from the franchise fee, received by the Operator from the sale of electricity to its retail customers within the corporate limits of the City.
- (3) Collection of the Fee. The franchise fee shall be payable not less often than monthly, and shall be based on the gross revenues of the Operator during complete billing months during the period for which payment is to be made. The percent fee may be changed from time to time; however, each change shall meet the same notice requirements and the percentage may not be changed more often than annually. Such fee shall not exceed any amount which the Operator may legally charge to its customers prior to payment to the City by imposing a surcharge equivalent to such fee in its rates for electric service. The Operator may pay the City the fee based upon the surcharge billed subject to subsequent reductions to account for uncollectibles or customer refunds. The time and manner of collecting the franchise fee is subject to the mutual agreement of the City and the Utilities Board of Directors or Commission, which the Operator agrees to use best efforts to obtain. The Operator agrees to make its gross revenues records available for inspection by the City at reasonable times.
- (4) Conditions on the Fee. The fee shall not be effective against the Operator unless it lawfully imposes and the City quarterly or more often collects a fee or tax of the same or greater percentage on the receipts from sales of energy within the City by any other energy supplier, provided that, as to such a supplier, the City has the authority to require a franchise fee or to impose a tax. The franchise fee or tax shall be applicable to energy sales for any energy use related to heating, cooling, or lighting, as well as to the supply of energy needed to run machinery and appliances on premises located within or adjacent to the City, but shall not apply to energy sales for the purpose of providing fuel for vehicles.

SECTION 10. SEVERABILITY

If any portion of this franchise is found to be invalid for any reason whatsoever, the validity of the remainder shall not be affected.

SECTION 11. AMENDMENT

This ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which mandatory ordinance shall become effective upon notice provisions of Section 1, Subdivision 4, above.

SECTION 12. PREVIOUS FRANCHISES SUPERSEDED

This franchise supersedes any previous electric franchise or agreements, verbal or written, granted to the Operator or its predecessor.

SECTION 13. ORDINANCE SUMMARY FOR PUBLICATION

The following official summary of Ordinance #92-13 has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance:


It is the intent and effect of Ordinance #92-13 to grant to Anoka Electric Cooperative, a Minnesota cooperative, and Anoka Municipal Electric, a municipal electric distributor, their successors and assigns, permission to construct, operate, repair and maintain in the City of Ramsey, Minnesota an electric distribution system and transmission lines, including necessary poles, lines, fixtures and appurtenances, for the furnishing of electric energy to the City, its inhabitants and others and to use public ways and public grounds of the City for such purposes.

A printed copy of Ordinance #92-13 is available for inspection by any person at the Ramsey Municipal Center.

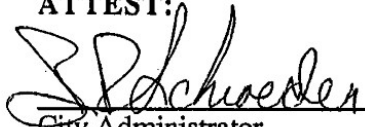
SECTION 14. EFFECTIVE DATE

This Ordinance becomes effective upon its passage and thirty (30) days after its publication according to law.

PASSED by the City Council of the City of Ramsey, Minnesota, this the 24th day of November, 1992.



Mayor

ATTEST:


City Administrator

Introduction Date:	November 10, 1992
Posting Date:	November 10 - 24, 1992
Adoption Date:	November 24, 1992
Publication Date:	December 4, 1992
Effective Date:	January 4, 1993

CITY OF ANOKA ELECTRIC FRANCHISE ORDINANCE

**ORDINANCE NO. 13-19
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

AN ORDINANCE GRANTING TO THE CITY OF ANOKA, A MINNESOTA MUNICIPAL CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF RAMSEY, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF THE CITY FOR SUCH PURPOSES.

THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, MINNESOTA, ORDAINS:

SECTION 1. DEFINITIONS.

- 1.1 City.** The City of Ramsey, County of Anoka, State of Minnesota.
- 1.2 City Utility System.** The facilities used for providing non-energy related public utility service owned or operated by City or agency thereof, including sewer, water, or any other public utility service owned or operated by City or agency thereof..
- 1.3 Commission.** The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government which preempts all or part of the authority to regulate electric retail rates now vested in the Minnesota Public Utilities Commission.
- 1.4 Company.** City of Anoka Municipal Electric Utility, a Minnesota municipal corporation, its successors and assigns.
- 1.5 Electric Facilities.** Electric transmission and distribution towers, poles, lines, guys, anchors, conduits, fixtures, and necessary appurtenances owned or operated by Company for the purpose of providing electric energy for public use.
- 1.6 Notice.** A written notice served by one party on the other party referencing one or more provisions of this Ordinance. Notice to Company shall be mailed to the City Manager, City of Anoka, 2015 First Ave., Anoka, Minnesota 55303. Notice to the City shall be mailed to the City Clerk, City of Ramsey, 7550 Sunwood Drive, Ramsey, MN 55303. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.

1.7 **Public Ground.** Land owned by the City for park, open space or similar purpose, which is held for use in common by the public.

1.8 **Public Way.** Any street, alley, walkway or other public right-of-way within the City.

SECTION 2. ADOPTION OF FRANCHISE.

2.1 **Grant of Franchise.** City hereby grants Company, for a period of 20 years from the date passed and approved by the City, the right to transmit and furnish electric energy for light, heat, power and other purposes for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Electric Facilities in, on, over, under and across the Public Ways and Public Grounds of City subject to the provisions of this ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to such reasonable regulations as may be imposed by the City pursuant to ordinance and to the further provisions of this franchise agreement.

2.2 **Effective Date.** This franchise agreement shall be in force and effect from and after the later of 30 days after its publication or its acceptance by Company.

2.3 **Service and Rates.** The service to be provided and the rates to be charged by Company for electric service in City are subject to the jurisdiction of the Commission. The area within the City in which Company may provide electric service is subject to the provisions of Minnesota Statutes, Section 216B.40.

2.4 **Publication Expense.** The expense of publication of this ordinance will be paid by the City and reimbursed to City by Company.

2.5 **Dispute Resolution.** If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

SECTION 3. LOCATION, OTHER REGULATIONS.

3.1 **Location of Facilities.** Electric Facilities shall be located, constructed and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways so as not to disrupt normal operation of any City Utility System previously installed therein. Electric Facilities shall be located on Public Grounds as determined by the City. Company's construction, reconstruction, operation, repair, maintenance and location of Electric Facilities shall be subject to permits if required by separate ordinance and to other reasonable regulations of the City to the extent not inconsistent with the terms of this franchise agreement. Company may abandon underground

Electric Facilities in place, provided at the City's request, Company will remove abandoned metal or concrete encased conduit interfering with a City improvement project, but only to the extent such conduit is uncovered by excavation as part of the City improvement project.

3.2 Field Locations. Company shall provide field locations for its underground Electric Facilities within a reasonable period of time on request by the City consistent with the requirements of Minnesota Statutes, Chapter 216D.

3.3 Street Openings. Company shall not open or disturb any Public Way or Public Ground for any purpose without first having obtained a permit from the City, if required by a separate ordinance, for which the City may impose a reasonable fee. Permit conditions imposed on Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb any Public Way or Public Ground without permission from the City where an emergency exists requiring the immediate repair of Electric Facilities. In such event Company shall notify the City by telephone to the office designated by the City as soon as practicable. Not later than the second working day thereafter, Company shall obtain any required permits and pay any required fees.

3.4 Restoration. After undertaking any work requiring the opening of any Public Way or Public Ground, Company shall restore the same, including paving and its foundation, to as good a condition as formerly existed, and shall maintain any paved surface in good condition for two years thereafter. The work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Way or Public Ground in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section 3.4, but the City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, except as may be required by the laws of the State of Minnesota.

3.5 Avoid Damage to Electric Facilities. Nothing in this ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Electric Facilities while performing any activity.

3.6 Notice of Improvements. The City must give Company reasonable notice of plans for improvements to Public Ways or Public Ground where the City has reason to believe that Electric Facilities may affect or be affected by the improvement. The notice must contain: (i) the nature and character of the improvements, (ii) the Public Ways and Public Grounds upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and (v) if more than one Public Way or Public Ground is involved, the order in which the work is to proceed. The notice must be given to Company a sufficient length of time in advance of the actual commencement of the work to permit Company to make any necessary additions, alterations or repairs to its Electric Facilities.

3.7 Shared Use of Poles. Company shall make space available on its poles or towers for City fire, water utility, police or other City facilities whenever such use will not interfere with the use of

such poles or towers by Company, by another electric utility, by a telephone utility, or by any cable television company or other form of communication company. In addition, the City shall pay for any added cost incurred by Company because of such use by City.

SECTION 4. RELOCATIONS.

4.1 Relocation of Electric Facilities in Public Ways. If the City determines to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order Company to relocate its Electric Facilities located therein if relocation is reasonably necessary to accomplish the City's proposed public improvement. Except as provided in Section 4.3, Company shall relocate its Electric Facilities at its own expense. The Company to relocate its Electric Facilities located therein. The Company shall relocate its Electric Facilities at its own expense. The City shall give the Company reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Electric Facilities, which was made at Company expense, the City shall reimburse Company for non-betterment costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense its Electric Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

4.2 Relocation of Electric Facilities in Public Ground. City may require the Company at Company's expense to relocate or remove its Electric Facilities from Public Ground upon a finding by City that the Electric Facilities have become or will become a substantial impairment to the existing or proposed public use of the Public Ground.

4.3 Projects with Federal Funding. Relocation, removal, or rearrangement of any Company Electric Facilities made necessary because of the extension into or through City of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46, as supplemented or amended. It is understood that the right herein granted to Company is a valuable right. City shall not order Company to remove, or relocate its Electric Facilities when a Public Way is vacated, improved or realigned because of a renewal or a redevelopment plan which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation and the loss and expense resulting therefrom are first paid to Company, but the City need not pay those portions of such for which reimbursement to it is not available.

4.5 No Waiver. The provisions of this franchise apply only to facilities constructed in reliance on a franchise from the City and shall not be construed to waive or modify any rights obtained by Company for installations within a Company right-of-way acquired by easement or prescriptive right before the applicable Public Way or Public Ground was established, or Company's rights under state or county permit.

SECTION 5. TREE TRIMMING.

Company may trim all trees and shrubs in the Public Ways and Public Grounds of City to the extent Company finds necessary to avoid interference with the proper construction, operation, repair and maintenance of any Electric Facilities installed hereunder, provided that Company shall save the City harmless from any liability arising therefrom, and subject to permit or other reasonable regulation by the City.

SECTION 6. INDEMNIFICATION.

6.1 Indemnity of City. Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Electric Facilities located in the Public Ways and Public Grounds. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper and non-negligent manner of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

6.2 Defense of City. In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City; and Company, in defending any action on behalf of the City shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

SECTION 7. VACATION OF PUBLIC WAYS.

The City shall give Company at least two weeks prior written notice of a proposed vacation of a Public Way. Except where required for a City improvement project, the vacation of any Public Way, after the installation of Electric Facilities, shall not operate to deprive Company of its rights to operate and maintain such Electric Facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

SECTION 8. CHANGE IN FORM OF GOVERNMENT.

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

SECTION 9. ABANDONED FACILITIES.

Company shall comply with City ordinances, Minnesota Statutes, Section 216D.01 et seq., and Minnesota Rules Part 7819.3300, as they may be amended from time to time. Company shall maintain records describing the exact location of all abandoned and retired Electric Facilities within the City, and shall produce such records to City at City's request, and shall comply with the location requirements of Section 216D.04 with respect to all Electric Facilities, including abandoned and retired Facilities.

SECTION 10. FRANCHISE FEE.

10.1 Fee Schedule. During the term of the franchise hereby granted, and in addition to any permit or other fees that City may impose or has a right to impose, the City may impose in Company a franchise fee, not to exceed an amount set forth in a Fee Schedule adopted by separate ordinance from each customer in the designated Customer Classification for metered service at each and every customer location. The amount of the fees may be amended from time to time by City. The charge shall be applied monthly and shall be billed per account. Company shall, within 30 days of the City's request, provide City with revenue estimates for establishing a fee schedule.

10.2 Separate Ordinance. The franchise fees shall be imposed by separate ordinance duly adopted from time to time by the City Council, and that separate ordinance shall dictate the date upon which collection of that franchise fee shall commence. Section 2.5 shall constitute the sole remedy for solving disputes between Company and the City in regard to the interpretation of, or enforcement of, the separate ordinance. No action by the City to implement a separate franchise fee ordinance will commence until this Ordinance is effective.

10.3 Terms Defined. For the purpose of this Section 10, the following definitions apply:

10.3.1 "Customer Class" shall refer to the classes listed on the Fee Schedule as defined or determined in Company's electric tariffs on file with the Commission.

10.3.2 "Fee Schedule" refers to the schedule in Section 10.1 setting forth the various customer classes from which a franchise fee would be collected if a separate ordinance were implemented immediately after the effective date of this franchise agreement. The Fee Schedule in the separate ordinance may include new Customer Class added by Company to its electric tariffs after the effective date of this franchise agreement, or may be annually amended to reflect changes in the franchise fees imposed by the City.

10.4 Collection of the Fee. The franchise fee shall be payable not less often than quarterly and shall be based on the amount collected by Company during complete billing months during the period for which payment is to be made by imposing a surcharge equal to the designated franchise fee for the applicable customer classification in all customer billings for electric service in each class. The payment shall be due the last business day of the month following the period for which the payment is made. The franchise fee may be changed by ordinance from time to time; however, each change shall meet the same notice requirements and not occur more often than annually and no change shall require a collection from any customer for electric service in excess of the amounts specifically permitted by this Section 10. No franchise fee shall be payable by Company if Company is

legally unable to first collect an amount equal to the franchise fee from its customers in each applicable class of customers by imposing a surcharge in Company's applicable rates for electric service. Company may pay the City the fee based upon the surcharge billed subject to subsequent reductions to account for uncollectibles, refunds and correction of erroneous billings. Company agrees to make its records available for inspection by the City at reasonable times provided that the City and its designated representative agree in writing not to disclose any information which would indicate the amount paid by any identifiable customer or customers or any other information regarding identified customers. In addition, the Company agrees to provide at the time of each payment a statement summarizing how the franchise fee payment was determined, including information showing any adjustments to the total surcharge billed in the period for which the payment is being made to account for any uncollectibles, refunds or error corrections.

10.5 Equivalent Fee Requirement. The separate ordinance imposing the fee shall not be effective against Company unless it lawfully imposes and the City monthly or more often collects a fee or tax of the same or greater equivalent amount on the receipts from sales of energy within the City by any other energy supplier, provided that, as to such a supplier, the City has the authority to require a franchise fee or to impose a tax. The "same or greater equivalent amount" shall be measured, if practicable, by comparing amounts collected as a franchise fee from each similar customer, or by comparing, as to similar customers the percentage of the annual bill represented by the amount collected for franchise fee purposes. The franchise fee or tax shall be applicable to energy sales for any energy use related to heating, cooling or lighting, or to run machinery and appliances, but shall not apply to energy sales for the purpose of providing fuel for vehicles. If the Company specifically consents in writing to a franchise or separate ordinance collecting or failing to collect a fee from another energy supplier in contravention of this Section 10.5, the foregoing conditions will be waived to the extent of such written consent.

10.6 Notification Requirement. In addition to the required proceedings and notification of the public by the City, a joint letter will be sent on behalf of the City and Company by Company clearly explaining the purpose and use of the fee, the fee schedule including frequency of billing which clearly state Connexus is required under law to bill and collect the fee and distribute funds back to the City. Connexus is not profiting in any way by administer the franchise fee.

SECTION 11. SEVERABILITY.

If any portion of this franchise is found to be invalid for any reason whatsoever, the validity of the remainder shall not be affected.

SECTION 12. AMENDMENT.

This ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of the Company's written consent thereto with the City Clerk within 90 days after the effective date of the amendatory ordinance.

SECTION 13. REPEALER.

Previous franchises superseded. This franchise supersedes any previous electric franchise granted to the Company or its predecessor.

SECTION 14. LIMITATION ON APPLICABILITY.

This ordinance constitutes a franchise agreement between the City and Company as the only parties and no provision of this franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.

PASSED and ADOPTED by the City Council of the City of Ramsey, Minnesota, this the 12th day of November, 2013.

Mayor

Attest:

City Clerk

Introduction date: October 8, 2013
Continuation date: October 22, 2013
Posting dates: October 22, 2013 – November 12, 2013
Adoption date: November 12, 2013
Publication date: November 15, 2013
Effective date: February 28, 2014

(Published in the Anoka County Union the 25th day of October, 2013.)

CONNEXUS ENERGY ELECTRIC FRANCHISE ORDINANCE

**ORDINANCE NO. 13-20
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

AN ORDINANCE GRANTING TO CONNEXUS ENERGY, A MINNESOTA COOPERATIVE CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF RAMSEY, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC GROUNDS AND PUBLIC WAYS OF THE CITY FOR SUCH PURPOSES.

THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, MINNESOTA, ORDAINS:

SECTION 1. DEFINITIONS.

For purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

- 1.1 City. The City of Ramsey, County of Anoka, State of Minnesota.
- 1.2 City Utility System. Facilities used for providing non-energy related public utility service owned or operated by City or agency thereof, including sewer and water service, but excluding facilities for providing heating, lighting or other forms of energy.
- 1.3 Company. Connexus Energy, a Minnesota cooperative corporation, its successors and assigns.
- 1.4 Electric Facilities. Electric transmission and distribution towers, poles, lines, guys, anchors, conduits, fixtures, and necessary appurtenances owned or operated by Company for the purpose of providing electric energy for public use.
- 1.5 Notice. A written notice served by one party on the other party referencing one or more provisions of this Ordinance. Notice to Company shall be mailed to the Chief Executive Officer, Connexus Energy, 14601 Ramsey Boulevard N.W., Ramsey, Minnesota 55303-6024. Notice to the City shall be mailed to the City Clerk, City of Ramsey, 7550 Sunwood Drive NW, Ramsey, Minnesota 55303. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.
- 1.6 Public Ground. Land owned by the City for park, open space or similar purpose, which is held for use in common by the public.

1.7 Public Way. Any street, alley, walkway or other public right-of-way within the City.

SECTION 2. ADOPTION OF FRANCHISE.

2.1 Grant of Franchise. City hereby grants Company, for a period of 20 years from the date passed and approved by the City, the right to transmit and furnish electric energy for light, heat, power and other purposes for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Electric Facilities in, on, over, under and across the Public Grounds and Public Ways of City, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to such reasonable regulations as may be imposed by the City pursuant to ordinance and to the further provisions of this franchise agreement.

2.2 Effective Date; Written Acceptance. This franchise agreement shall be in force and effect from and after the later of 30 days after its publication or its acceptance by Company. The City, by Council resolution, may revoke this franchise agreement if Company does not file a written acceptance with the City within 90 days after publication.

2.3 Service and Rates. The service to be provided and the rates to be charged by Company for electric service in City are established by Company's Board of Directors. The area within the City in which Company may provide electric service is subject to the provisions of Minnesota Statutes, Section 216B.40.

2.4 Publication Expense. The expense of publication of this Ordinance will be paid by City and reimbursed to City by Company.

2.5 Dispute Resolution. If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used, or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

SECTION 3. LOCATION, OTHER REGULATIONS.

3.1 Location of Facilities. Electric Facilities shall be located, constructed and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and so as not to disrupt normal operation of any City Utility System Electric. Facilities shall be located on Public Grounds as determined by the City. Company's construction, reconstruction, operation, repair, maintenance and location of Electric Facilities shall be subject to permits if required by separate ordinance and to other reasonable regulations of the City to the extent not inconsistent with the terms of this franchise agreement. Company may abandon underground Electric Facilities in place, provided

at the City's request, Company will remove such underground Electric Facilities which interfere with a City improvement project, but only to the extent such Electric Facilities are uncovered by excavation as part of the City improvement project, and restore the Public Way in accordance with Minnesota Rule 7819.1100.

3.2 Field Locations. Company shall provide field locations for its underground Electric Facilities within City consistent with the requirements of Minnesota Statutes, Chapter 216D.

3.3 Street Openings. Company shall not open or disturb any Public Ground or Public Way for any purpose without first having obtained a permit from the City, if required by a separate ordinance, for which the City may impose a reasonable fee. Permit conditions imposed on Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb any Public Ground or Public Way without permission from the City where an emergency exists requiring the immediate repair of Electric Facilities. In such event Company shall notify the City by telephone to the office designated by the City as soon as practicable. Not later than the second working day thereafter, Company shall obtain any required permits and pay any required fees.

3.4 Restoration. After undertaking any work requiring the opening of any Public Ground or Public Way, Company shall restore the same in accordance with Minnesota Rule 7819.1100, including paving and its foundation, to as good a condition as formerly existed, and shall maintain any paved surface in good condition for two years thereafter. The work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground or Public Way in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section 3.4, but the City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install, replace or maintain facilities in a Public Way.

3.5 Avoid Damage to Electric Facilities. Nothing in this Ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Electric Facilities while performing any activity.

3.6 Notice of Improvements. No less than four weeks prior to implementation, the City must give Company reasonable notice of plans for improvements to Public Grounds or Public Ways where the City has reason to believe that Electric Facilities may affect or be affected by the improvement. The notice must contain: (i) the nature and character of the improvements, (ii) the Public Grounds and Public Ways upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and (v) if more than one Public Ground or Public Way is involved, the order in which the work is to proceed. The notice must be given to Company within a sufficient length of time in advance of the actual commencement of the work to permit Company to make any necessary additions, alterations or repairs to its Electric Facilities.

3.7 Shared Use of Poles. Company shall make space available on its poles or towers for City fire, water utility, police or other City facilities upon terms and conditions acceptable to Company whenever such use will not interfere with the use of such poles or towers by Company, by another electric utility, by a telephone utility, or by any cable television company or other form of communication company. In addition, the City shall pay for any added cost incurred by Company because of such use by City.

SECTION 4. RELOCATIONS.

4.1 Relocation of Electric Facilities in Public Ways. If the City determines to vacate a Public Way for a City improvement project, or at City's cost to grade, regrade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order Company to relocate its Electric Facilities located therein if relocation is reasonably necessary to accomplish the City's proposed public improvement. Except as provided in Section 4.3, Company shall relocate its Electric Facilities at its own expense. The City shall give Company reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Electric Facilities, which was made at Company expense, the City shall reimburse Company for non-betterment costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense its Electric Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

4.2 Relocation of Electric Facilities in Public Ground. City may require Company, at Company's expense, to relocate or remove its Electric Facilities from Public Ground upon a finding by City that the Electric Facilities have become or will become a substantial impairment to the existing or proposed public use of the Public Ground.

4.3 Projects with Federal Funding. City shall not order Company to remove or relocate its Electric Facilities when a Public Way is vacated, improved or realigned for a right-of-way project or any other project which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation are first paid to Company. The City is obligated to pay Company only for those portions of its relocation costs for which City has received federal funding specifically allocated for relocation costs in the amount requested by the Company, which allocated funding the City shall specifically request. Relocation, removal or rearrangement of any Company Electric Facilities made necessary because of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46, as supplemented or amended. It is understood that the rights herein granted to Company are valuable rights.

4.4 No Waiver. The provisions of this franchise apply only to facilities constructed in reliance on a franchise from the City and shall not be construed to waive or modify any rights obtained by Company for installations within a Company right-of-way acquired by easement or prescriptive right before the applicable Public Ground or Public Way was established, or Company's rights under state or county permit.

SECTION 5. TREE TRIMMING.

Company may trim all trees and shrubs in the Public Grounds and Public Ways of City to the extent Company finds necessary to avoid interference with the proper construction, operation, repair and maintenance of any Electric Facilities installed hereunder, provided that Company shall save the City harmless from any liability arising therefrom, and subject to permit or other reasonable regulation by the City.

SECTION 6. INDEMNIFICATION.

6.1 Indemnity of City. Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Electric Facilities located in the Public Grounds and Public Ways. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner, of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

6.2 Defense of City. In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City and Company, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

SECTION 7. VACATION OF PUBLIC WAYS.

The City shall give Company at least two weeks prior written notice of a proposed vacation of a Public Way. Except where required for a City improvement project, the vacation of any Public Way, after the installation of Electric Facilities, shall not operate to deprive Company of its rights to operate and maintain such Electric Facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29. In accordance with Minnesota Rules, Part 7819.3200, if City's order directing vacation of the Public Way does not require relocation of Company's Electric Facilities, the vacation proceeding shall not be deemed to deprive Company of its right to continue to use the right-of-way of the former Public Way for its Electric Facilities installed prior to such order of vacation.

SECTION 8. CHANGE IN FORM OF GOVERNMENT.

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

SECTION 9. FRANCHISE FEE.

9.1 Fee Schedule. During the term of the franchise hereby granted, and in addition to any permit or other fees being imposed on Company, the City may impose on Company a franchise fee by collecting the amounts indicated in a Fee Schedule set forth in a separate ordinance from each customer in the designated Company Customer Class.

9.2 Separate Ordinance. The franchise fee shall be imposed by a separate ordinance duly adopted by the City Council, and that separate ordinance shall dictate the date upon which collection of that franchise fee shall commence. Section 2.5 shall constitute the sole remedy for solving disputes between Company and the City in regard to the interpretation of, or enforcement of, the separate ordinance. No action by the City to implement a separate franchise fee ordinance will commence until this Ordinance is effective.

9.3 Terms Defined. For the purpose of this Section 9, the following definitions apply:

9.3.1 “Customer Class” shall refer to the classes listed on the Fee Schedule as defined or determined in Company’s electric tariffs on file with the Commission.

9.3.2 “Fee Schedule” refers to the schedule in Section 9.1 setting forth the various customer classes from which a franchise fee would be collected if a separate ordinance were implemented immediately after the effective date of this franchise agreement. The Fee Schedule in the separate ordinance may include new Customer Class added by Company to its electric tariffs after the effective date of this franchise agreement, or may be annually amended to reflect changes in the franchise fees imposed by the City.

9.3.3 “Gross Revenue” means all sums, excluding any surcharge or similar addition to the Company’s charges to customers for the purpose of reimbursing the Company for the cost resulting from the franchise fee, received by the Company from the sale of electricity to its retail customers within the corporate limits of the City.

9.4 Collection of the Fee. The franchise fee shall be payable quarterly and shall be based on the amount collected by Company during complete billing months during the period for which payment is to be made by imposing a surcharge equal to the designated franchise fee for the applicable customer classification in all customer billings for electric service in each class. The payment shall be due the last business day of the month following the period for which the payment is made. The franchise fee may be changed by ordinance from time to time; however, each change shall meet the same notice requirements and not occur more often than annually and no change shall require a collection from any customer for electric service in excess of the amounts specifically permitted by this Section 9. No franchise fee shall be payable by Company if Company is legally unable to first collect an amount equal to the franchise fee from its customers in each applicable class of customers by imposing a surcharge in Company’s applicable rates for electric service. Company may pay the City the

fee based upon the surcharge billed subject to subsequent reductions to account for uncollectibles, refunds and correction of erroneous billings. Company agrees to make its records available for inspection by the City at reasonable times provided that the City and its designated representative agree in writing not to disclose any information which would indicate the amount paid by any identifiable customer or customers or any other information regarding identified customers. In addition, the Company agrees to provide at the time of each payment a statement summarizing how the franchise fee payment was determined, including information showing any adjustments to the total surcharge billed in the period for which the payment is being made to account for any uncollectibles, refunds or error corrections.

9.5 Equivalent Fee Requirement. The separate ordinance imposing the fee shall not be effective against Company unless it lawfully imposes and the City monthly or more often collects a fee or tax of the same or greater equivalent amount on the receipts from sales of energy within the City by any other energy supplier, provided that, as to such a supplier, the City has the authority to require a franchise fee or to impose a tax. The “same or greater equivalent amount” shall be measured, if practicable, by comparing amounts collected as a franchise fee from each similar customer, or by comparing, as to similar customers the percentage of the annual bill represented by the amount collected for franchise fee purposes. The franchise fee or tax shall be applicable to energy sales for any energy use related to heating, cooling or lighting, or to run machinery and appliances, but shall not apply to energy sales for the purpose of providing fuel for vehicles. If the Company specifically consents in writing to a franchise or separate ordinance collecting or failing to collect a fee from another energy supplier in contravention of this Section 9.5, the foregoing conditions will be waived to the extent of such written consent.

9.6 Notification Requirement. In addition to the required proceedings and notification of the public by the City, a joint letter will be sent on behalf of the City and Company by Company clearly explaining the purpose and use of the fee, the fee schedule including frequency of billing which clearly state Connexus is required under law to bill and collect the fee and distribute funds back to the City. Connexus is not profiting in any way by administer the franchise fee.

SECTION 10. PROVISIONS OF ORDINANCE.

10.1 Severability. Every section, provision, or part of this Ordinance is declared separate from every other section, provision, or part and if any section, provision, or part shall be held invalid, it shall not affect any other section, provision, or part. Where a provision of any other City ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

10.2 Limitation on Applicability. This Ordinance constitutes a franchise agreement between the City and Company as the only parties, and no provision of this franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.

SECTION 11. AMENDMENT PROCEDURE.

Either party to this franchise agreement may at any time propose that the agreement be amended to address a subject of concern and the other party will consider whether it agrees that the

amendment is mutually appropriate. If an amendment is agreed upon, this Ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of Company's written consent thereto with the City Clerk within 90 days after the date of final passage by the City of the amendatory ordinance.

SECTION 12. PREVIOUS FRANCHISES SUPERSEDED.

This franchise supersedes any previous electric franchise granted to Company or its predecessor.

PASSED and ADOPTED by the Ramsey City Council this 12th day of November, 2013.

Mayor

ATTEST:

City Clerk

Introduction date: October 8, 2013
Continuation date: October 22, 2013
Posting dates: October 22, 2013 – November 12, 2013
Adoption date: November 12, 2013
Publication date: November 15, 2013
Effective date: February 28, 2014

(Published in the Anoka County Union the 25th day of October, 2013.)

Franchise Fee Questions/Responses

October 8, 2013

1. Are properties on County roadways assessed the franchise fee?

Response:

All utility accounts will be assessed the franchise fee based upon their classification (e.g., residential, commercial) and the type of road that they are on does not make a difference.

2. Can utilities charge an administrative fee on top of the franchise fee?

Response:

No. The Minnesota Public Utilities Commission has ruled that utilities may not charge an administrative fee on municipal franchise fees.

3. What additional levy capacity does the City have?

Response:

By statute, the City had the additional levy capacity to raise approximately \$931,000 in 2014, but chose not to levy this additional amount with the establishment of the preliminary levy in September 2014. There currently is no levy limit in place for 2015.

4. Can the City exempt properties that don't front a city street from the franchise fee?

Response:

All residential properties would need to pay the franchise fee to the utilities, but the City could, by policy, give annual rebates to certain types of properties. This is not included in the current proposal. If the City exempts or reduces the franchise fee on some properties by giving a rebate, overall revenue would decrease, or the fee would need to be increased on other properties as an offset.

5. What types of projects have come to the City with the assistance of Economic Development staff?

Response:

The economic development staff of the City has assisted many business and industrial projects over the years in Ramsey. It is impossible to determine which projects are solely attributable to the Economic Development manager position, but every project that involved City assistance, or the sale or lease of City property, required considerable work by City staff. Ramsey's employment base increased by 771 employees from 2000 to 2010. For most of that period, the City has had a dedicated economic development position.

6. Why are some people calling this a "30% tax increase"?

Response:

This number appears to be derived from taking the franchise fee revenue (calling it a "tax") combining it with the 2014 proposed levy, and subtracting it from the 2013 levy. It does not take into account that the Road Maintenance Program would require revenue to be replaced by the tax levy, assessments, or other sources to be implemented.

7. What happens to excess funds generated by the franchise fee?

Response:

Any fees collected, but not spent, during the fiscal year would be put into a dedicated interest-bearing road maintenance account for use in the subsequent year.

8. What happens if there is a shortfall in franchise fees?

Response:

If there is a shortfall in franchise fee revenue, the project schedule will be adjusted to fit revenue. The City will review the funding for the Road maintenance Program at the end of the five-year term of the ordinance.

9. What are cities without franchise fees doing to pay for road repair?

Response:

Cities without franchise fees typically fund street maintenance projects using a combination of Municipal State Aid allocations (if eligible), general funds, general obligation bonds, and/or special assessments.

10. Can the City consider restrictions and limits on the implementation and use of franchise fee by Charter?

Response:

The City Attorney has determined that it would be legal for the Charter Commission to consider such guidelines as Charter provisions.

11. How much is the City benefitting in 2014 by tax increment districts that are being decertified?

Response:

The City's projecting that an additional \$1,260,496 of net taxable value will be added to the City in 2014 due to tax increment district decertification. This money generated by this increased value has been earmarked to pay the annual debt on the municipal center, without having to raise the tax capacity rate.

12. What happens to properties that don't have gas or electric service?

Response:

Properties that have neither a gas nor an electric bill will not be charged a franchise fee.

13. Can the City put the road fee onto the City utility bill instead of the gas and electric utilities?

Response:

No. There is no statutory authority in Minnesota to charge a road fee to the City utility bill. A franchise fee for gas and electric utilities is allowed by state statute 216B.36.

14. What happens to the fee for those that are receiving energy assistance?

Response:

The franchise fee is considered part of the regular utility bill and the same rules for energy assistance and collection apply to the franchise fee.

15. Do the apartments at the residence at the COR each have gas and electric meters?

Response:

The individual apartments have electric meters, and the complex itself has one large gas meter for the residential side, and a gas meter for the dental office.

16. What is the process the City will use to eliminate assessments?

Response:

The proposed franchise fee ordinance explicitly states that that the franchise fee is “in lieu of special assessments.”

17. Is the repair and maintenance of the street based upon a schedule or the condition of the road?

Response:

Repair and maintenance of any particular road section will be based upon the road condition as determined by an annual inspection, not by a fixed schedule.

18. When will Minnesota State Aid Funds (MSA) be available to put towards this program?

Response:

Some MSA funds will be available in 2019, but the majority of MSA funds are committed through 2022.

19. Can the use of the franchise fee be restricted to just road repair and maintenance?

Response:

Yes, this will be done by ordinance.

20. Can we do a tiered franchise fee rates based upon residential values?

Response:

The utilities cannot bill different rates to different residential customers. City staff is researching the option of an annual rebate that would be tied to property valuation, but the City would need to bear all the administrative cost of such a program.

Meeting Date: 10/22/2013

By: Bruce Westby, Engineering/Public Works

Information

Title:

Introduction of Franchise Fee Ordinances with Anoka Municipal Utility, CenterPoint Energy and Connexus Energy

Purpose/Background:

The purpose of this case is to consider the introduction of three draft franchise fee ordinances, one each with Anoka Municipal Utility (Ordinance #13-21), CenterPoint Energy (Ordinance #13-22), and Connexus Energy (Ordinance #13-23). If Council supports the draft franchise fee ordinances as introduced, or if minor revisions are requested, a second reading and the franchise fee ordinances may be called for the November 12th City Council meeting. After the second reading, Council may adopt the ordinances if no further revisions are desired.

Long-Term Street Maintenance Program Benefits

The City of Ramsey currently maintains over 174 miles of city streets, with the oldest being constructed in 1974. During the 10 year period between 1976 and 1985, over 45% of city streets were constructed. The life expectancy of streets constructed over sandy, well-drained subgrade soils, such as are found in the Anoka sand plain which Ramsey is located in, and that receive regularly scheduled pavement maintenance projects, is approximately 60 years. Conversely, if no pavement maintenance projects are completed over the life of a street, the life expectancy is typically less than 30 years. To date, city streets in Ramsey have primarily received pavement maintenance projects on a reactive or “as-budgeted” basis in which as many miles of pavement as the annual budget allowed were either crack sealed, sealcoated and/or overlaid. Unfortunately, not all streets that needed pavement maintenance projects any given year received any. This has resulted in pavement sections deteriorating faster than they would have if they had received regular pavement maintenance projects at the appropriate time. Since most city streets have not received regular pavement maintenance projects, the useable life of most existing city streets lies somewhere between 30 and 60 years of age.

As part of the city’s current street maintenance program, city staff annually rates and evaluates the pavement condition of all city streets, and has done this for many years now. Staff uses the Pavement Surface Evaluation and Rating (PASER) system to assign a rating from 1 to 10 to all city streets. Based on the overall mileage of streets, about 23.5% of city streets currently have a PASER rating between 0 and 6, whereas 76.5% are rated between 7 and 10. Therefore, the majority of city streets currently have an average PASER rating of 6.5 or better, which is one of the identified goals of the recently adopted Strategic Action Plan. However, when considering that over 45% of city streets are 30 to 40 years old, and considering the age and PASER ratings of all other city streets, it is apparent that a long-term street maintenance program is needed to maximize the remaining life of all city streets to avoid the need to reconstruct almost half of the streets over a roughly 10 year period, placing a seemingly unmanageable financial burden on the city and its taxpayers. By extending the useable life of all city streets, street reconstruction projects can also be extended over a longer period of time, spreading those project costs over time.

Long-Term Street Maintenance Program Costs

Estimated costs for a long-term street maintenance program were recently calculated using 2013 unit bid prices from projects bid in Ramsey and surrounding cities. The estimated costs assume all city streets will be maintained and reconstructed “as is” with no changes made to street components (curb and gutter, pavement material, etc.), lane widths, traffic control, or pedestrian facilities. The estimated costs also assume a life-expectancy of 60 years for all city streets based on the following staff recommended pavement maintenance project schedule. All streets would be crack sealed 3 years after initial construction, overlays, and reconstruction. Concurrent crack sealing and seal coating projects would occur in years 6, 13, 26, 33, 46, and 53. Overlay and edge milling projects would be

performed in years 20 and 40. And in approximately year 60, either a reclaim and repave project or a full reconstruction would occur, after which the maintenance cycle would start all over again.

Based on staff's recommended pavement maintenance project schedule above, the estimated costs to regularly maintain all city streets over the next 5, 10 and 60 year periods are as follows:

- 5-year (2014 – 2018) = \$11,011,879 which equates to an annual estimated cost of \$2,202,376
- 10-year (2014 – 2023) = \$25,247,367 which equates to an annual estimated cost of \$2,524,737
- 60-year (2014 – 2073) = \$262,077,338 which equates to an annual estimated cost of \$4,367,956

The 2014 budget includes \$500,000 for street maintenance projects. Based on the 5 year estimated costs above, a shortfall of about \$1,700,000 is projected for years 2014 through 2018. Assuming the City budgets \$500,000 over each of the remaining 4 years, a 5 year street maintenance program could then be funded if an additional \$1,700,000 could be funded through another source.

It is important to note that the estimated costs above assume each of the identified pavement maintenance projects will be completed on all streets in the designated year, including a reconstruction around year 60. However, if the PASER rating for a certain street shows that the pavement does not need an overlay or reconstruction at the regularly scheduled time, that project will be delayed until needed based on the PASER rating, thereby reducing overall program costs. In addition, reconstruction of certain streets may also occur due to the need to replace or repair municipal utilities, but this is not accounted for in the estimated costs above. Lastly, if instead of a reconstruction project a reclaim and repave project can be completed on a street, this would also reduce overall program costs.

Long-Term Street Maintenance Program Funding Options

Traditional funding sources for street maintenance projects have included special assessments (for sealcoat and overlay projects), annual MSA allotments, GO bonds, and general levy budgeting. However, these traditional funding sources are becoming less and less reliable as funding sources for such projects. This is primarily due to shrinking budgets resulting in fewer dollars being available for street maintenance projects, as well as due to more frequent public petitions opposing such projects, thereby delaying projects and increasing costs.

Special Assessments - In the past, special assessments have been levied against abutting property owners on sealcoat and overlay projects. Residential assessment amounts have varied from hundreds of dollars to over \$7,000. In the future, assessment costs would increase substantially as the city begins to add street reconstruction projects to our maintenance program. If the current assessment policy continued to be followed, which allows for assessments of 50% of the total project costs on overlay projects, assessments on reconstruction projects would easily exceed \$10,000. This amount, which may not be defensible if challenged, would likely present a financial hardship for many property owners, even if assessed over a 10 year term. Rental rates would likely be affected too as rental property owners would likely raise their rates to cover their assessments.

Municipal State Aid account - In 2013, our MSA allocation for street maintenance on MSA routes was \$443,377 and our construction/reconstruction allocation was \$576,844. However, a majority of our MSA fund allocations will continue to be applied towards debt repayment of previous projects through 2022, and most of the remaining MSA funds are targeted for other CIP projects. Therefore, MSA funds will not be a viable funding source for many years to come.

General Obligation Bonds – GO bonding has been and will remain a viable option for funding street maintenance projects. However, using GO bonds to fund projects increases project costs slightly due to the added financing costs.

General Levy Budgeting – Using the general levy to fund street maintenance projects introduces risks due to the uncertainty that the adopted budget will include the necessary funds to cover the needed long-term street maintenance program projects each and every year.

The ideal funding source for a long-term street maintenance program would be reliable, providing a fixed amount year after year to fund the program as needed. It would also be a dedicated fund, preventing portions of it from being

diverted to other uses. In addition, the ideal funding source should be viewed by taxpayers as being reasonably beneficial, equitable and transparent to allow taxpayers to better understand what they are paying, as well as where it is being spent.

Other funding sources have been researched. Federal and state grants, Public-Private Partnerships, special legislation (such as the recently proposed Street Improvement Districts), and franchise fees are other funding sources that have been identified as potential options. Of these funding sources, only franchise fees offer a reliable, dedicated funding source to ensure that street maintenance projects can be completed on a regular schedule, thereby allowing the city to maintain city streets as economically as possible and ensuring that all streets can be maintained to an average PASER rating of 6.5 as identified in the city's Strategic Action Plan. In addition, franchise fees would be collected from property renters as well as owners, and also from tax-exempt properties, which seems reasonable given that renters also city use streets and tax-exempt properties are often significant traffic generators.

Franchise Fees

Cities are authorized by State Statute 216B.36 to impose franchise fees on energy utilities operating within the public right-of-way to conduct their business. Utility companies typically pass franchise fees through to their customer via their billing, and include a note stating that the fee is being imposed by the city. If franchise fee ordinances are adopted, staff will work with the utility companies to clearly communicate to their customers (as identified in the draft ordinance) that the fee is being imposed by the City of Ramsey to help pay for the city's long-term street maintenance program to ensure that there is adequate transparency.

By consensus, the City Council provided the following assurances/conditions to staff that must be met before any franchise fee ordinances would be considered for adoption:

- Special assessments must no longer be levied to help fund street maintenance projects.
- Franchise fee revenues must be dedicated only to long-term street maintenance program projects.
- Five (5) year sunset terms must be used for any new franchise fee ordinance.
- An equitable rebate program must be implemented to prevent anyone paying an assessment levied with a street maintenance project, or who pre-paid their assessment but would otherwise still be paying, from paying franchise fees on top of assessments.
- Franchise fee revenues must cover the shortfall amount of \$1,700,000 so each gas and electric utility would need to be charged \$8 per month per account across all commercial, industrial, and residential properties.

These conditions have all been addressed by adding specific language for each in the franchise fee ordinances.

The special assessment rebate program is proposed to work as follows. Anyone currently paying a special assessment for a street maintenance project and is served by electric and/or gas utilities would be required to pay their special assessment and franchise fees throughout the year, then staff would calculate their rebate at the end of the year based on the lesser annual amount paid for franchise fees or special assessments. This process would continue to occur annually over the remaining term of their assessment, regardless if the assessment was pre-paid or is currently being paid through property taxes. All rebates would then be applied as a credit to the fourth-quarter municipal utility bill. The rebate program would need to be administered by City staff since the private utilities are not able to adjust their residential class rate codes. This would require a fair amount of staff time to implement and maintain on an on-going basis.

Based on accountings received to date from Anoka Municipal Utility, CenterPoint Energy, and Connexus Energy, a monthly franchise fee of \$8 per each electric and gas utility would fully fund the \$1,700,000 annual shortfall needed for the 5 year street maintenance program. However, at the time this case was prepared, staff had not yet received current account information from CenterPoint Energy, though it is not anticipated that CenterPoint's current number of customers is less than the number of customers used to estimate projected franchise fee revenues. Staff also needs to review all utility account listings to make sure only Ramsey residents are being counted since the utility accountings may include several residents in neighboring cities but again, this should not significantly impact projected revenue amounts.

It should also be noted that anyone served by both electric and gas utilities would be charged \$16 per month, unless they are served by multiple gas meters in which case they would be charged multiple gas franchise fees. Also,

anyone served by multiple electric meters *with different feed points* would be charged multiple electric franchise fees. This billing system is currently in place with the utility companies. However, Council could choose to apply rebates for residential properties served through multiple meters, though this would impact revenues slightly.

Based on public comment received both before and during the Public Hearings, City staff has also evaluated several tiered rate options, including tiered rates for both residential and commercial classes. Staff is prepared to discuss these tiered rate options with Council if desired, either during the Council workshop and/or at the Council meeting. If a tiered residential franchise fee were to be adopted to distribute franchise fees across a range of property valuations, all rebates would be applied in a similar manner to the special assessment rebates, but impacts to staff time would be greater to implement and maintain this rebate program since the number of rebates would increase substantially and since ownership and property valuations can change from year to year.

Attached is a franchise fee revenue evaluation spreadsheet which shows the projected revenues and the rebate amounts.

Based on Council's direction this evening, and assuming staff will receive current accountings from CenterPoint within the next week, staff will refine the revenue projections so they are available before Council is asked to consider adopting the franchise fee ordinances.

Franchise Fee Ordinance Adoption Process

On October 8th, the City Council held a Public Hearing introducing franchise fee ordinances with Anoka Municipal Utility, CenterPoint Energy, and Connexus Energy. After closing the Public Hearing, Council passed a motion to continue the introduction of the ordinances to October 22nd to allow staff to address the public comment received. If Council supports the draft ordinances attached and wishes to pursue the adoption of franchise fee ordinances, a second reading of the ordinances should be called for November 12th.

Should Council adopt the franchise fee ordinances, the ordinances would need to be published, after which each utility would need to be notified via certified mail that the ordinances were adopted. A waiting period of at least 90 days is then required to allow the utility companies time to review and comment on the ordinances. Following the 90 day review period, the franchise fee ordinances could become effective and the city could begin collecting franchise fees. If the ordinances are adopted on November 12th, franchise fees could begin to be collected in March of 2014.

Notification:

None required.

Observations/Alternatives:

The franchise fee as currently proposed the fees equally between the electric and gas utilities since they impact roughly the same area of city right-of-ways. Residential and commercial properties are treated alike and charged the same fee. The utility companies have indicated that they could accommodate commercial tiered rates based on their existing classes if Council wishes to pursue that option. However, all utilities can only accommodate one residential rate class so if a tiered fee structure is pursued for residential properties, such a program would need to be administered by City staff which would have significant impacts on staff time.

Alternatives:

Alternative #1 - Call for a second reading of the franchise fee ordinances on November 12, 2013 as drafted.

Alternative #2 - Call for a second reading of the franchise fee ordinances on November 12, 2013 after making minor modifications as directed.

Alternative #3 – Direct staff to make major modifications to the franchise fee ordinances and call for a new Public Hearing on November 12, 2013 to introduce the revised franchise fee ordinances.

Funding Source:

Preparation of the draft ordinances was completed by City staff as part of normal staff duties. The city attorney also reviewed the draft ordinances.

Recommendation:

Staff recommends alternative #1 or #2 if Council generally supports the attached franchise fee ordinances as drafted with no or only minor revisions requested.

Staff recommends alternative #3 if Council wishes to introduce the use of tiered rates, or directs other substantial modifications to one or more of the franchise fee ordinances.

Action:

Call for a second reading of the ordinances on November 12, 2013.

-- OR --

Call for a Public Hearing on November 12, 2013 to introduce revised franchise fee ordinances with the following revisions:

Attachments

[13-21 AMU FF Ord](#)

[13-22 CNP FF Ord](#)

[13-23 CNXS FF Ord](#)

[FF Revenue Eval](#)

[Q and A](#)

Form Review

Inbox	Reviewed By	Date
Diana Lund	Diana Lund	10/17/2013 12:58 PM
Kurt Ulrich	Kurt Ulrich	10/17/2013 04:54 PM
Form Started By: Bruce Westby		Started On: 10/10/2013 02:00 PM
Final Approval Date: 10/17/2013		

CITY OF ANOKA ELECTRIC FRANCHISE FEE

**ORDINANCE NO. 13-21
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

AN ORDINANCE IMPLEMENTING AN ELECTRIC ENERGY FRANCHISE FEE ON THE CITY OF ANOKA, A MUNICIPAL CORPORATION, FOR PROVIDING ELECTRIC ENERGY SERVICE WITHIN THE CITY OF RAMSEY, MINNESOTA

THE CITY OF RAMSEY DOES ORDAIN:

Section 1. Electric Franchise Fee

(a) *Definitions.* For the purposes of this Ordinance, the following terms shall have the following meanings:

- (1) City. The City of Ramsey, County of Anoka, State of Minnesota.
- (2) Company. City of Anoka Municipal Utility, a municipal corporation, its successors and assigns.
- (3) Franchise Agreement. The franchise agreement between the City and Company pursuant to City Ordinance 13-19.
- (4) Notice. “Notice” means a writing served by any party or parties on any other party or parties. Notice to Company shall be mailed to City Manager, City of Anoka, 2015 First Ave., Anoka, Minnesota 55303. Notice to City shall be mailed to the City Clerk at 7550 Sunwood Dr. NW, Ramsey, MN 55303.

(b) *Purpose.* The Ramsey City Council has determined that it is in the best interest of the City to impose a franchise fee on those public utility companies that provide natural gas and electric services within the City. Pursuant to the Franchise Agreement the City has the right to impose a franchise fee on Company. All franchise fee revenues generated through this ordinance shall be collected in lieu of special assessments for street maintenance projects, and shall be dedicated only to long-term street maintenance program projects including pavement preservation and street reconstruction projects.

(c) *Franchise Fee Statement and Schedule.* A franchise fee is hereby imposed on Company commencing March 1, 2014 and in accordance with the following fee schedule:

The charge shall be applied monthly and shall be billed per account.

<u>Customer Classification</u>	<u>Amount per Month</u>
Residential	\$8.00
Small C&I Non-Demand	\$8.00
Small C&I Demand	\$8.00
Large C&I	\$8.00
Public Street Lighting	\$8.00
Municipal Pumping Non-Demand	\$8.00
Municipal Pumping Demand	\$8.00

(d) *Account Fee.* This fee is an account based fee and not a meter-based fee. In the event that an entity covered by this ordinance has more than one meter, but only one account, only one fee shall be assessed to that account. In the event any entities covered by this ordinance have more than one account, each account shall be subject to the appropriate fee. In the event a question arises as to the proper fee amount for any account, the highest possible fee amount shall apply.

(e) *Payment.* Franchise fees are to be collected by the Company and submitted to the City as follows:

- January – March collections due by April 30.
- April – June collections due by July 31.
- July – September collections due by October 31.
- October – December collections due by January 31.

(f) *Record Support for Payment.* The Company shall make each payment when due and, if requested by the City, shall provide a statement summarizing how the franchise fee payment was determined, including information showing any adjustments to the total made to account for any non-collectible accounts, refunds or error corrections. The Company shall permit the City, and its representatives, access to the Company's records for the purpose of verifying such statements.

(g) *Payment Adjustments.* Payment to the City will be adjusted where the Company is unable to collect the franchise fee. This includes non-collectible accounts.

(h) *Dispute Resolution.* If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this ordinance or for such other relief permitted by law.

(i) *Effective Date of Franchise Fee.* The effective date of this Ordinance shall be February 1, 2014. Collection of the fee shall commence March 1, 2014.

(j) *Relation to Franchise Agreement.* This ordinance is enacted in compliance with the Franchise Agreement and shall be interpreted as such.

(k) *Periodic Review.* The City Council may review this ordinance from time to time to determine whether the fees set hereby should be amended.

(l) *Permit Fees.* The Company will administer the collection and payment of franchise fees to the City. Said fees are not in lieu of permit fees, or other fees that may be imposed on the Company in relation to its operations as a public utility in the City.

(m) *Rebate Program.* The City will rebate the lesser annual amount paid for franchise fees versus special assessments over the remaining term of the special assessments, regardless if the assessment was pre-paid or is currently being paid through property taxes. Rebates will be in the form of a credit to the fourth quarter municipal utility bill of qualifying property addresses. This rebate program applies strictly to qualifying property addresses during the effective term of their current assessment or this ordinance, whichever expires first.

Section 2. Effective Date. This ordinance takes effect as provided by the City Charter. This ordinance shall terminate 5 years from the date passed and adopted by the City. If the termination date falls within the middle of a 3 month collection period, the ordinance shall terminate at the end of the collection period.

PASSED AND ADOPTED by the Ramsey City Council this 12th day of November, 2013.

Mayor

Attest:

City Clerk

Introduction date:	October 8, 2013
Continuation date:	October 22, 2013
Posting dates:	October 22, 2013 – November 12, 2013
Adoption date:	November 12, 2013
Publication date:	November 15, 2013
Effective date:	February 28, 2014

(Published in the Anoka County Union the 25th day of October, 2013.)

CENTERPOINT ENERGY GAS FRANCHISE FEE

**ORDINANCE NO. 13-22
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

AN ORDINANCE IMPLEMENTING A GAS ENERGY FRANCHISE FEE ON CENTERPOINT ENERGY MINNESOTA GAS ("CENTERPOINT ENERGY") FOR PROVIDING GAS ENERGY SERVICE WITHIN THE CITY OF RAMSEY, ANOKA COUNTY, MINNESOTA.

THE CITY OF RAMSEY DOES ORDAIN:

Section 1: Gas Franchise Fee

(a) *Definitions.* For the purposes of this Ordinance, the following terms shall have the following meanings:

- (1) City. The City of Ramsey, County of Anoka, State of Minnesota.
- (2) Company. CenterPoint Energy Minnesota Gas ("CenterPoint Energy"), its successors and assigns.
- (3) Franchise Agreement. The franchise agreement between the City and Company pursuant to City Ordinance 03-16.
- (4) Notice. "Notice" means a writing served by any party or parties on any other party or parties. Notice to Company shall be mailed to CenterPoint Energy, Minnesota Division Vice President, 800 LaSalle Avenue, Minneapolis, MN 55402. Notice to City shall be mailed to the City Clerk at City of Ramsey, 7550 Sunwood Drive, Ramsey, Minnesota, 55303.

(b) *Purpose.* The Ramsey City Council has determined that it is in the best interest of the City to impose a franchise fee on those public utility companies that provide natural gas and electric services within the City. Pursuant to the Franchise Agreement the City has the right to impose a franchise fee on Company. All franchise fee revenues generated through this ordinance shall be collected in lieu of special assessments for street maintenance projects, and shall be dedicated only to long-term street maintenance program projects including pavement preservation and street reconstruction projects.

(c) *Franchise Fee Statement and Schedule.* A franchise fee is hereby imposed on Company commencing with the March 2014 billing month, and in accordance with the following fee schedule:

Customer Classification

Amount per Account per Month (\$)

Residential	\$8.00 per month
Firm A	\$8.00 per month
Firm B	\$8.00 per month
Firm C	\$8.00 per month
Small Volume, Dual Fuel A ("SVDF A")	\$8.00 per month
Small Volume, Dual Fuel B ("SVDF B")	\$8.00 per month
Large Volume, Dual Fuel ("LVDF")	\$8.00 per month

(d) *Account Fee.* This fee is an account based fee and not a meter-based fee. In the event that an entity covered by this ordinance has more than one meter, but only one account, only one fee shall be assessed to that account. In the event any entities covered by this ordinance have more than one account, each account shall be subject to the appropriate fee. In the event a question arises as to the proper fee amount for any account, the highest possible fee amount shall apply.

(e) *Payment.* Franchise fees are to be collected by the Company and submitted to the City as follows:

January-March collections due by April 30.
April-June collections due by July 31.
July-September collections due by October 31.
October-December collections due by January 31.

(f) *Record Support for Payment.* The Company shall make each payment when due and, if requested by the City, shall provide a statement summarizing how the franchise fee payment was determined, including information showing any adjustments to the total made to account for any non-collectible accounts, refunds or error corrections. The Company shall permit the City, and its representatives, access to the Company's records for the purpose of verifying such statements.

(g) *Payment Adjustments.* Payment to the City will be adjusted where the Company is unable to collect the franchise fee. This includes non-collectible accounts.

(h) *Dispute Resolution.* If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this ordinance or for such other relief permitted by law.

i) *Effective Date of Franchise Fee.* The effective date of this Ordinance shall be after its publication and ninety (90) days or more after sending written notice enclosing a copy of this adopted Ordinance to Company by certified mail. Collection of the fee shall commence as provided above.

(j) *Relation to Franchise Agreement.* This ordinance is enacted in compliance with the Franchise Agreement and shall be interpreted as such.

(k) *Periodic Review.* The City Council may review this ordinance from time to time in whatever manner the City Administrator then determines to be appropriate, including, but not limited to, review by the City Council in either a work session or a regular session. Failure to review this ordinance shall not in any way invalidate or limit it.

(l) *Rebate Program.* The City will rebate the lesser annual amount paid for franchise fees versus special assessments over the remaining term of the special assessments, regardless if the assessment was pre-paid or is currently being paid through property taxes. Rebates will be in the form of a credit to the fourth quarter municipal utility bill of qualifying property addresses. This rebate program applies strictly to qualifying property addresses during the effective term of their current assessment or this ordinance, whichever expires first.

Section 2: Effective Date. This ordinance takes effect as provided by the City Charter. This ordinance shall terminate 5 years from the date passed and adopted by the City. If the termination date falls within the middle of a 3 month collection period, the ordinance shall terminate at the end of the collection period.

PASSED and ADOPTED by the Ramsey City Council this 12th day of November, 2013.

Mayor

ATTEST:

City Clerk

Introduction date:	October 8, 2013
Continuation date:	October 22, 2013
Posting dates:	October 22, 2013 – November 12, 2013
Adoption date:	November 12, 2013
Publication date:	November 15, 2013

Effective date: February 28, 2014

(Published in the Anoka County Union the 25th day of October, 2013.)

DRAFT

CONNEXUS ENERGY ELECTRIC FRANCHISE FEE

**ORDINANCE NO. 13-23
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

AN ORDINANCE MODIFYING THE ELECTRIC FRANCHISE FEE ON CONNEXUS ENERGY FOR PROVIDING ELECTRIC SERVICE WITHIN THE CITY OF RAMSEY.

THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, MINNESOTA, ORDAINS:

SECTION 1. The City of Ramsey Code of Ordinances is hereby amended as follows:

Subdivision 1. Purpose. The Ramsey City Council has determined that it is in the best interest of the City to impose a franchise fee on those public utility companies that provide natural gas and electric services within the City of Ramsey. All franchise fee revenues generated through this ordinance shall be collected in lieu of special assessments for street maintenance projects, and shall be dedicated only to long-term street maintenance program projects including pavement preservation and street reconstruction projects.

(a) Pursuant to City Ordinance No. 13-20, a Franchise Agreement between the City and Connexus Energy, the City has the right to impose a franchise fee on Connexus Energy in amount and fee design as authorized in Section 9.1 of the Connexus Energy Franchise.

(b) Pursuant to City Ordinance No. 13-20, the City exercised its right to impose a franchise fee on Connexus Energy. This includes the right to modify the fee amount with the consent of Connexus Energy as to amount and notice period, to which Connexus Energy has consented.

Subd. 2. Franchise Fee Statement. Pursuant to Ordinance No. 13-20, the franchise fee imposed on Connexus Energy under its Electric Franchise is hereby amended. The amended fee schedule is attached hereto and made a part of this ordinance, commencing with the Connexus Energy's March 2014 billing month.

Subd. 3. Payment and Fee Design. The franchise fee shall be payable to the City in accordance with the terms set forth in Section 9.4 of the Franchise.

- a) This fee is an account based fee and not a meter based fee. An account includes all electric meters located on a single property or premises that have the same address and property owner.
- b) Properties with a single address and owner shall pay the largest fee that applies to any one of their meters.
- d) Separately metered space rented to tenants other than the owner shall pay a fee for each tenant meter.

e) The City Administrator, or his designee, is authorized to determine the appropriate implementation of this Section 3.2. Appeals from decisions of the staff may be taken to the City Council.

Subd. 4. Record Support for Payment. Connexus Energy shall make each payment when due and, if requested by the City, shall provide at the time of each payment a statement summarizing how the franchise fee payment was determined, including information showing any adjustments to the total surcharge billed in the period for which the payment is being made to account for any uncollectibles, refunds or error corrections.

Subd. 5. Enforcement. Any dispute, including enforcement of a default regarding this ordinance will be resolved in accordance with Section 2.5 the Franchise Agreement.

Subd. 6. Effective Date of Franchise Fee. Notwithstanding the effective date of this ordinance and notwithstanding any contrary provisions in the Franchise, the effective date of the fee collected under Subdivision 2 of this ordinance is the later of ten (10) days after the publication or after the sending of written notice enclosing a copy of this adopted ordinance upon Connexus Energy by certified mail.

Subd. 7. Fee Review. The City Council may review this Ordinance from time to time to determine whether to continue, terminate or modify the fee. If the Council deems it to be in the City's best interest to continue the fee in its current form, no Council action is necessary. If the Council deems it to be in the City's best interest to terminate or modify the fee, the Council shall give Connexus at least sixty (60) days written notice prior to the proposed change.

Subd. 8. The City recognizes that Connexus Energy will surcharge its customers in the City the amount of the fee.

Subd. 9. Rebate Program. The City will rebate the lesser annual amount paid for franchise fees versus special assessments over the remaining term of the special assessments, regardless if the assessment was pre-paid or is currently being paid through property taxes. Rebates will be in the form of a credit to the fourth quarter municipal utility bill of qualifying property addresses. This rebate program applies strictly to qualifying property addresses during the effective term of their current assessment or this ordinance, whichever expires first.

SECTION 2. This ordinance takes effect as provided by City Charter. This ordinance shall terminate 5 years from the date passed and adopted by the City. If the termination date falls within the middle of a 3 month collection period, the ordinance shall terminate at the end of the collection period.

EXHIBIT A

CONNEXUS ENERGY ELECTRIC FRANCHISE
FEE SCHEDULE

<u>Class</u>	<u>Fee or % Per Month</u>
Residential	\$8.00
Small Commercial/Industrial (Non Demand)	\$8.00
General Commercial/Industrial (Demand)	\$8.00
Large Commercial/Industrial (> 1 MW Demand)	\$8.00
Outdoor Advertising (Billboards), Non-Metered Cable/TV/Phone	\$8.00
Irrigation services, Lift Station services, Siren services	\$8.00
Street Lights	\$8.00
Wells & Pumps (city well)	\$8.00

FRANCHISE FEES ARE TO BE COLLECTED BY THE UTILITY IN THE AMOUNTS SET FORTH IN THE ABOVE SCHEDULE, AND SUBMITTED TO THE CITY ON A QUARTERLY BASIS AS FOLLOWS:

January through March collections due by April 30.
April through June collections due by July 31.
July through September collections due by October 31.
October through December collections due by January 31.

PASSED and ADOPTED by the Ramsey City Council this 12th day of November, 2013.

Mayor

ATTEST:

City Clerk

Introduction date: October 8, 2013
Continuation date: October 22, 2013
Posting dates: October 22, 2013 – November 12, 2013
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(Published in the Anoka County Union the 25th day of October, 2013.)

\$8 PER UTILITY ON EACH ACCOUNT

Centerpoint						Connexus Energy						Anoka Municipal						TOTALS
Rate Class	# of meters	Flat Rate Fee per Month	# months	Franchise Fee Revenue (Yearly)	If would have been added on to	Rate Class	# of meters	Flat Rate Fee per Month	# months	Franchise Fee Revenue (Yearly)	If would have been added on to	Rate Class	# of meters	Flat Rate Fee per Month	# months	Franchise Fee Revenue (Yearly)	If would have been added on to	
Residential \$100,000	595	8.00	12	\$57,120	\$32	Residential \$100,000	595	8.00	12	\$57,120	\$32	Residential \$100,001 c	226	8.00	12	\$21,696	63.00	\$114,240
	7,591	8.00	12	\$728,736	\$62	00,001 on	7,790	8.00	12	\$747,840	\$62						123.00	\$1,498,272
Lower res because single gas meter in apt's					\$91						\$91						182.00	
					\$96						\$96						192.00	
Based on Monthly Therm Usage																		
Com - A (L)	264	8.00	12	\$25,344		Small Com	667	8.00	12	\$64,032		Small Com	52	8.00	12	\$4,992		\$94,368
						Small Com	70	\$ (8.00)	12	(\$6,720)								(\$6,720)
Com/Ind-B	149	8.00	12	\$14,304		Institutiona	2	8.00	12	\$192		Large Corr	12	8.00	12	\$1,152		\$15,648
Com/Ind-C	84	8.00	12	\$8,064		Large Corr	2	8.00	12	\$192								\$8,256
SVDF - A (	5	8.00	12	\$480														\$480
SVDF - B (	0	8.00	12	\$0														\$0
LVDF	3	8.00	12	\$288														\$288
TOTAL	8,691			\$834,336		TOTAL	9,126			\$862,656		TOTAL	290			\$27,840		\$1,724,832

* Rate Class Key:

SVDF = Small Volume Dual Fuel
 LVDF = Large Volume Dual Fuel
 Cost per therm: about \$.60

Com=Commercial
 Com/Ind = Commercial/Industrial

Summary:

Total Franchise Fees (From Total Line Above):	\$1,724,832
Less:	
Special Assessment Reimbursement:	\$ (174,420)
Admin-Opus 21-Est	\$ (5,000)
Est. Net Franchise Fee Collected	\$1,545,412

Franchise Fee Questions/Responses

October 8, 2013

1. Are properties on County roadways assessed the franchise fee?

Response:

All utility accounts will be assessed the franchise fee based upon their classification (e.g., residential, commercial) and the type of road that they are on does not make a difference.

2. Can utilities charge an administrative fee on top of the franchise fee?

Response:

No. The Minnesota Public Utilities Commission has ruled that utilities may not charge an administrative fee on municipal franchise fees.

3. What additional levy capacity does the City have?

Response:

By statute, the City had the additional levy capacity to raise approximately \$931,000 in 2014, but chose not to levy this additional amount with the establishment of the preliminary levy in September 2014. There currently is no levy limit in place for 2015.

4. Can the City exempt properties that don't front a city street from the franchise fee?

Response:

All residential properties would need to pay the franchise fee to the utilities, but the City could, by policy, give annual rebates to certain types of properties. This is not included in the current proposal. If the City exempts or reduces the franchise fee on some properties by giving a rebate, overall revenue would decrease, or the fee would need to be increased on other properties as an offset.

5. What types of projects have come to the City with the assistance of Economic Development staff?

Response:

The economic development staff of the City has assisted many business and industrial projects over the years in Ramsey. It is impossible to determine which projects are solely attributable to the Economic Development manager position, but every project that involved City assistance, or the sale or lease of City property, required considerable work by City staff. Ramsey's employment base increased by 771 employees from 2000 to 2010. For most of that period, the City has had a dedicated economic development position.

6. Why are some people calling this a "30% tax increase"?

Response:

This number appears to be derived from taking the franchise fee revenue (calling it a "tax") combining it with the 2014 proposed levy, and subtracting it from the 2013 levy. It does not take into account that the Road Maintenance Program would require revenue to be replaced by the tax levy, assessments, or other sources to be implemented.

7. What happens to excess funds generated by the franchise fee?

Response:

Any fees collected, but not spent, during the fiscal year would be put into a dedicated interest-bearing road maintenance account for use in the subsequent year.

8. What happens if there is a shortfall in franchise fees?

Response:

If there is a shortfall in franchise fee revenue, the project schedule will be adjusted to fit revenue. The City will review the funding for the Road maintenance Program at the end of the five-year term of the ordinance.

9. What are cities without franchise fees doing to pay for road repair?

Response:

Cities without franchise fees typically fund street maintenance projects using a combination of Municipal State Aid allocations (if eligible), general funds, general obligation bonds, and/or special assessments.

10. Can the City consider restrictions and limits on the implementation and use of franchise fee by Charter?

Response:

The City Attorney has determined that it would be legal for the Charter Commission to consider such guidelines as Charter provisions.

11. How much is the City benefitting in 2014 by tax increment districts that are being decertified?

Response:

The City's projecting that an additional \$1,260,496 of net taxable value will be added to the City in 2014 due to tax increment district decertification. This money generated by this increased value has been earmarked to pay the annual debt on the municipal center, without having to raise the tax capacity rate.

12. What happens to properties that don't have gas or electric service?

Response:

Properties that have neither a gas nor an electric bill will not be charged a franchise fee.

13. Can the City put the road fee onto the City utility bill instead of the gas and electric utilities?

Response:

No. There is no statutory authority in Minnesota to charge a road fee to the City utility bill. A franchise fee for gas and electric utilities is allowed by state statute 216B.36.

14. What happens to the fee for those that are receiving energy assistance?

Response:

The franchise fee is considered part of the regular utility bill and the same rules for energy assistance and collection apply to the franchise fee.

15. Do the apartments at the residence at the COR each have gas and electric meters?

Response:

The individual apartments have electric meters, and the complex itself has one large gas meter for the residential side, and a gas meter for the dental office.

16. What is the process the City will use to eliminate assessments?

Response:

The proposed franchise fee ordinance explicitly states that that the franchise fee is “in lieu of special assessments.”

17. Is the repair and maintenance of the street based upon a schedule or the condition of the road?

Response:

Repair and maintenance of any particular road section will be based upon the road condition as determined by an annual inspection, not by a fixed schedule.

18. When will Minnesota State Aid Funds (MSA) be available to put towards this program?

Response:

Some MSA funds will be available in 2019, but the majority of MSA funds are committed through 2022.

19. Can the use of the franchise fee be restricted to just road repair and maintenance?

Response:

Yes, this will be done by ordinance.

20. Can we do a tiered franchise fee rates based upon residential values?

Response:

The utilities cannot bill different rates to different residential customers. City staff is researching the option of an annual rebate that would be tied to property valuation, but the City would need to bear all the administrative cost of such a program.

Meeting Date: 10/22/2013

Submitted For: Tim Gladhill, Community Development

By: Tina Goodroad, Community Development

Information

Title:

Consider Request for Approvals Related to Brookfield 4th Addition; Case of Capstone Homes, Inc.

- a. Adopt Resolution #13-10-173 for Preliminary Plat Approval of Brookfield 4th Addition
- b. Approve Preliminary Draft of Development Agreement for Brookfield 4th Addition

Purpose/Background:

The applicant is requesting Preliminary Plat approval of Brookfield 4th Addition. This plat is a continuation of the Brookfield Addition west of Nowthen Boulevard and generally north of 167th Avenue and will encompass a majority of the remaining lots from the original Preliminary Plat. The current Preliminary Plat includes seventy-seven (77) lots.

Notification:

In accordance with City Code, City Staff attempted to notify owners of property within 700 feet of the Subject Property of the preliminary plat public hearing.

Observations/Alternatives:

The site is guided Low Density Residential on the Comprehensive Plan and is located within the R-1 Residential (MUSA) Zoning District. The minimum lot size in the R-1 Residential (MUSA) zone is 10,800 square feet. Each of the proposed lots meets the minimum lot size. The lots meet the required setbacks of the R-1 Residential (MUSA) District. A variance to front yard setback was approved as part of the original Preliminary Plat for lots in Blocks 3 and 4, granting a twenty-five (25) foot front yard setback.

The landscaping plan largely meets the ordinance with a few additional details and revisions needed as noted in the Staff Review File. The proposed plat is adjacent to an existing larger lot residential neighborhood. These lots are also zoned R-1 Residential (MUSA). Therefore, density transitioning, as required by the ordinance, does not apply as the adjoining parcels are located within the same zoning district. However, as the existing lots are of a different size and character, staff is requesting that the applicant consider providing transitioning between these abutting lots. This can be accomplished through new plantings or use of existing streets. In addition, a detailed inventory, prepared by an ISA Certified Arborist or a Society of American Foresters Certified Forester, must be submitted identifying all existing significant trees, species, DBH (Diameter at Breast Height) and condition. Please note: the Landscape Plan still needs to be amended to match the revised sheets prepared for the remainder of the package.

A Development Agreement will be required. The current draft is preliminary and is attached to this case. The Agreement will be finalized with the Final Plat, when final Engineer's Estimates are available to complete the highlighted surety sections. The Agreement describes the City required improvements (Stage I and Stage II Improvements) and spells out the financial obligations to the City (financial sureties and development fees. Park Dedication, Trail Development, Stormwater Management, and Street Light Fees will be required to be paid at time of recording of the Plat). The remaining parcels within Brookfield are entitled to a credit to Sanitary Sewer and Water Trunk Fees per the Reimbursement Agreement with 21st Century Bank. The original developer of Brookfield paid for the construction of the Sanitary Sewer and Water Trunk system to service Brookfield and Sweetbay Ridge, which normally would be paid through trunk fees. As the investment made by the developer (\$6,000,000) exceeded the trunk fees due on the original plat, the City and Developer agreed to a reimbursement agreement. Therefore, Sanitary Sewer and Water Trunk Fees will not be collected on the Plat.

The Staff Review File discusses some outstanding issues related to the previous developer amenities and home owners association. The City acknowledges a number of concerns related to the above amenities and maintenance obligations of said amenities have been submitted to the City.

An open house was held Thursday, October 3rd at 4:00-6:30 p.m. to provide an opportunity for area residents surrounding the Brookfield 4th Addition to meet with staff and the applicant and discuss plans prior to the public hearing. Topics discussed at the open house largely addressed the status of the Home Owners Association and private amenities.

The Staff Review File also addresses various items related to street, grading, drainage, and utilities.

This request is not the final stage of approval for the Plat; the Applicant will be required to submit an Application for Final Plat Review as the final approval. However, the Preliminary Plat is an important milestone in the review of a plat under Minnesota Statutes. An approval of a Preliminary Plat provides certain entitlements to the Applicant. The Applicant will be entitled to the layout and configuration of the Plat so long as the final plans are in compliance with City Code requirements. Generally speaking, this will also provide preliminary approval to Development Fee rates.

Alternatives:

Alternative #1. Approve the request as presented with changes as outlined in the Staff Review File. This is the recommendation of the Planning Commission.

Alternative #2. Request amendments to the layout of the Plat and request revised plans. This would require postponement of action this evening. The proposed configuration appears to meet the minimum standards of the City Code as it relates to this stage of the review.

Alternative #3. Deny the request for Preliminary Plat Approval. As this proposal appears to be in substantial compliance with the previously approved Preliminary Plat for Brookfield and appears to meet the minimum standards of the City Code, this alternative is not recommended.

Funding Source:

All cost associated with processing the application are the responsibility of the Applicant.

Recommendation:

The Planning Commission met to hold a Public Hearing on October 3, 2013 and recommended approval of the Preliminary Plat for Brookfield 4th Addition, contingent upon compliance with the Staff Review File dated September 27, 2013.

Action:

Motion to adopt Resolution #13-10-173 granting Preliminary Plat Approval of Brookfield 4th Addition, contingent upon compliance with the Staff Review File dated September 27, 2013, contingent upon the Applicant entering into a Development Agreement with the City.

-AND-

Motion to approve the Preliminary Draft of the Development Agreement for Brookfield 4th Addition.

Attachments

Site Location Map

Preliminary Plat

Staff Review File dated September 27, 2013

Resolution #13-10-173 - Preliminary Plat Approval

DRAFT Development Agreement

Draft Planning Commission Meeting Minutes Dated October 3, 2013

Form Review

Inbox

Chris Anderson

Bruce Westby

Kurt Ulrich

Tim Gladhill (Originator)

Form Started By: Tim Gladhill

Final Approval Date: 10/17/2013

Reviewed By

Chris Anderson

Bruce Westby

Kurt Ulrich

Tim Gladhill

Date

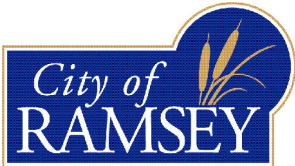
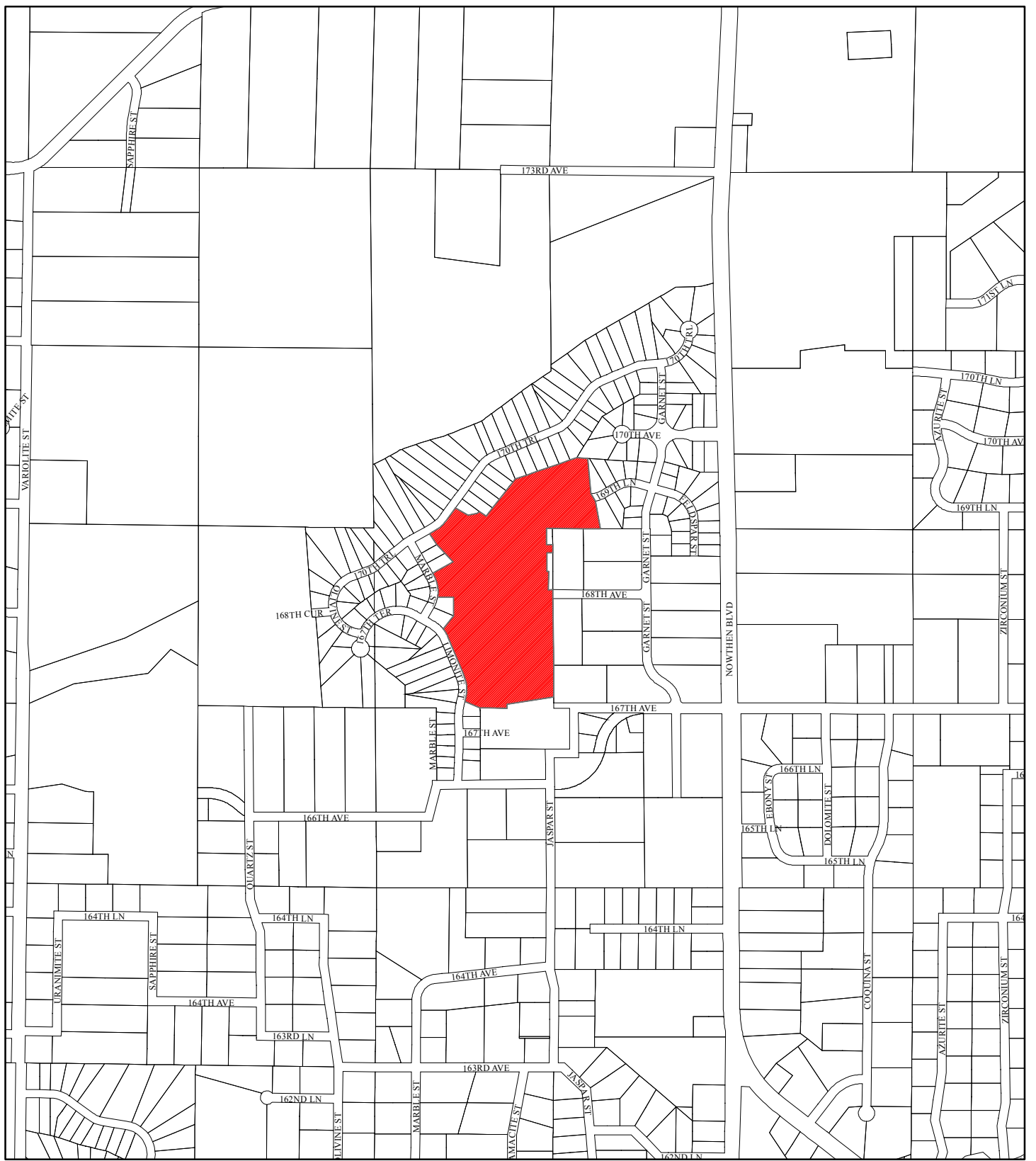
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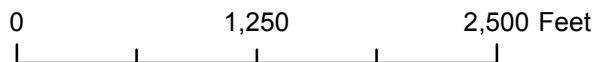
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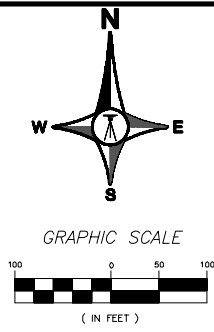
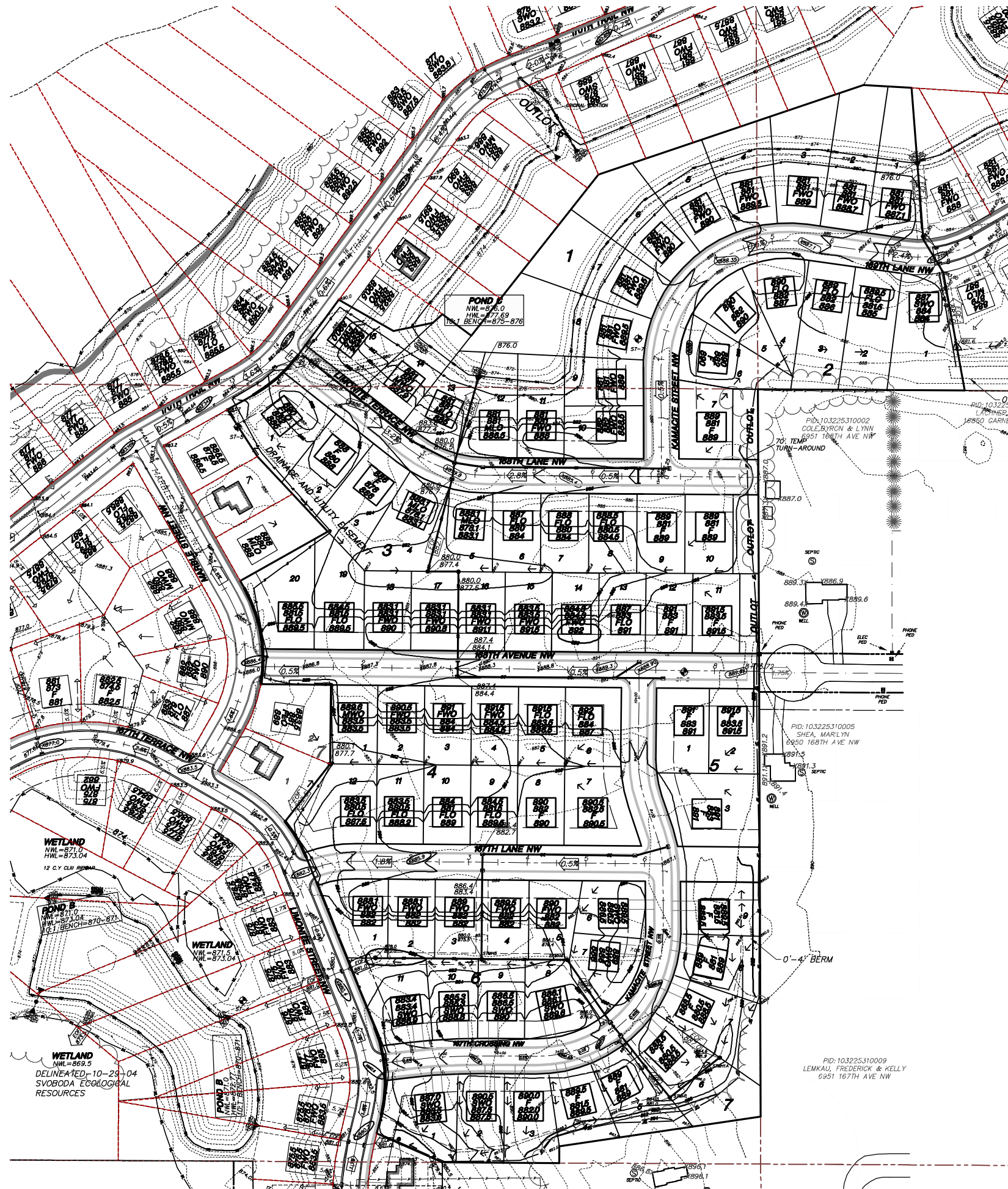
Started On: 10/10/2013 03:05 PM



Brookfield 4th Addition

- Legend**
- Site
 - Parcels





BUILDING PAD LEGEND

909.0	GARAGE FLOOR ELEVATION
FWO/MWO/SWO	TYPE OF BUILDING
FLO/MLO/F	TYPE OF BUILDING
901.5	LOWEST FLOOR ELEVATION
909.0	LOWEST OPENING ELEVATION

BUILDING TYPE LEGEND

F	FULL BASEMENT
FWO	FULL BASEMENT WALKOUT
MWO	MODIFIED (NON STANDARD) WALKOUT BASEMENT VARIABLE 5 -12 COURSE BASEMENT
SWO	SPLIT ENTRY WALKOUT BASEMENT (5 COURSE)
FLO	FULL BASEMENT LOOKOUT ON 5 COURSE
MLO	MODIFIED (NON STANDARD) LOOKOUT BASEMENT VARIABLE 5 -12 COURSE BASEMENT

DATE	REVISIONS	BY
9/24/13	road connection to east	BT

ANDERSON PASSE
 & ASSOCIATES
 200 3RD AVE NE, SUITE 100
 CAMBRIDGE, MINNESOTA 55008
 phone 763-689-4042 fax 763-689-6661

BROOKFIELD 4TH ADDITION
 GRADING, DRAINAGE, & SWPP PLAN
 RAMSEY, MINNESOTA

DATE: 8-29-13
 SCALE: 1"=100'
 PROJECT: 127-13
 CHECKED: BT
 APPROVED: BT

REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA
 REC. NO. 24018
 DATE 8-29-13
 BRYN ROSSELL



Stormwater Pollution Prevention Plan

The work described to implement the following Storm Water Pollution Prevention Plan (SWPPP) shall be considered part of the Contract Documents and shall be performed by the Contractor. The work to install and maintain the Best Management Practices (BMP's) to prevent erosion and provide sediment control shall be in accordance with Permit No. MN R100001 and shall include, but are not necessarily be limited to, the requirements contained herein.

1. Construction Activity Information

Project Name: Brookfield 4th Addition City/Township: City of Ramsey State: MN Zip Code: 55303 All counties where construction will occur: Anoka County Project Size (number of acres to be disturbed): 11.05 Project Type: XX Residential Commercial/Industrial Road Construction Other (describe)

Cumulative Impervious Surface: Existing area of impervious surface to nearest quarter acre: 0.00 Post construction area of impervious surface to nearest quarter acre: 9.85

Receiving Waters: Name of Water Body Type Appendix A Special Water? Existing On Site Pond Pond No

Dates of Construction Estimated Construction Start Date: 4/1/2014 Estimated Completion Date: 11/15/2014 Contact Information

Owner of Project Site: Ben Minks Business/Firm Name: Brookfield LLC Federal Tax ID Number: available as needed State Tax ID Number: available as needed Contact Person: TBD Title: Project Supt. Phone: 763-450-1201 Mailing Address: 14015 Sunfish Lake Blvd, Ste 400 City: Ramsey State: MN Zip Code: 55303 E-mail Address:

Contractor/Person who will oversee all aspects of the SWPPP.

NOTE THIS PERSON MUST BE TRAINED PER THE GENERAL PERMIT AUTHORIZATION TO DISCHARGE STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM/STATE DISPOSAL SYSTEM PERMIT PROGRAM (PART III.A.2.)

Contact Person:xxxxxxxxx Title:xxxx Phone:763xxxxxxxx Business Name: xxxxxxxxxxxxxxxxxxxx Mailing Address: 200 Third Avenue NE, Suite 100 Cambridge, MN 55008

Certification: Site Management (Erosion & Stormwater Management) Exp Date xxxxxxxx Instructor: xxxxxxxxxxxxxxxxxxxxxxxx Alternate Contact Person: TBD Phone: TBD E-mail:

General Construction Project Information

Description of the construction activity (what will be built, general timeline, etc.):

Brookfield 4th Addition is a residential subdivision comprised of 76 lots to be done in 3 phases. The construction activities will include grading operations of streets, housepads, surface drainage, and a large infiltration basin. Utility construction, exposed soil stabilization, and paving will occur after grading operations. This is the last phase of a large development. Ponds were previously constructed for the development (2007).

Description of soil types found at the project: Sand

2. General Site Information

Description of the location and type of all temporary and permanent erosion prevention and sediment control BMP's to be used, including the timing for installation and procedures used to establish additional temporary BMP's as necessary:

Contractor shall install and maintain the temporary and permanent erosion prevention and sediment control BMP's as shown on the accompanying drawing and as described herein. The timing shall be in accordance with the Construction Activity Sequence below and in accordance with sound and proactive construction scheduling and practices.

Accompanying this SWPPP is a site plan that includes the following features:

- * Existing and proposed grades, including dividing lines and direction of flow for all pre- and post-construction stormwater runoff drainage areas located within the project limits.
* Locations of impervious surfaces and soil types.
* Location of areas not to be disturbed.
* Location of areas of phased construction.
* All surface waters and existing wetlands within one-half mile from the project boundaries that will receive stormwater runoff from the site (identifiable on maps such as USGPS 7.5-minute quadrangle maps or equivalent). Where surface waters receiving runoff associated with construction activity will not fit on the plan sheet, they must be identified with an arrow, indicating both direction and distance to the surface water.
* Method(s) to be used for final stabilization of all exposed soil areas.

Description of stormwater mitigation measures required as the result of an environmental, archaeological, or other required local, state, or federal review of the project:

Not applicable to this project.

Description of the type and locations of BMP's appropriate for this site and sufficient to comply with all applicable requirements of the TMDL implementation plan and identification of the receiving water and of the areas of project site discharging to an impaired water that has an approved TMDL implementation plan that contains requirements for construction Stormwater discharges:

Not applicable to this project.

Selection of Permanent Stormwater Management System

Will the project create a new cumulative impervious surface greater than or equal to one acre? XX Yes ___ No

If yes, a water quality volume of 1/2 inch of runoff from this area must be treated before leaving the site or entering surface waters (1 inch of runoff from this area if discharging to special waters).

Method(s) to be used to treat runoff from the new impervious surfaces created by the project:

- XX Wet sedimentation basin ___ Infiltration/Filtration basin
___ Regional ponds ___ Combination of practices

Description of treatment method(s) to be used, including design information for each method :

Two large sedimentation/ retention ponds were previously constructed for this development. Additionally, smaller ponds were constructed that drain to these large ponds. Infiltration was not considered at that time. Small rear yard swales are proposed for this remaining development. These proposed swales along with the small ponds will infiltrate storm water per 2013 guidelines.

Description of why it is not feasible to meet the treatment requirement for water quality volume. This can include proximity to bedrock or road projects where the lack of right-of-way precludes the installation of any permanent stormwater management practices. Description of what other treatment, such as grassed swales, smaller ponds, or grit chambers, will be implemented to treat runoff prior to discharge to surface waters:

Not Applicable

Description of how a proposed alternative method to treat runoff from new impervious surfaces will achieve approximately 80% removal of total suspended solids on an annual average basis:

Not Applicable

3. Erosion Prevention Practices

Description of construction phasing, vegetative buffer strips, horizontal slope grading, and other construction practices to be used to minimize erosion:

Stage the soil disturbing activities to minimize the amount of disturbed soil prior to stabilization. Disturbed areas will be considered stabilized when covered with materials such as anchored mulch, staked sod, riprap, wood fiber blanket, or other materials that prevent erosion from occurring. Grass seeding alone will not be considered stabilization.

Disturb only those areas where proposed contours and elevations are shown to differ from the existing and where removals and other operations are noted. Special areas of the project site that are not to be disturbed by construction activity are noted on the plan.

Install wood fiber blanket where shown on the plan to provide temporary erosion protection.

Description of temporary erosion protection or permanent cover to be used for exposed positive slopes within 200 lineal feet of a surface water (stream, lake, pond, marsh, wetland, reservoir, spring, river, storm water basin, storm water drainage system, waterways, water courses, and irrigation system whether surface water is natural or artificial, public or private with maximum time an exposed soil area can remain exposed when the area is not actively being worked:

Provide year round stabilization to the above mentioned areas in accordance with the following table:

Table with 2 columns: Steepness of slope (H:V) and Maximum Exposure Duration When Area Is Not Actively Worked. Rows include Greater than 3:1 (7 Days), 3:1 through 10:1 (14 Days), and Less than 10:1 (14 Days).

Description of practices to be used to stabilize the normal wetted perimeter of drainage or diversion ditches within 200 lineal feet of the property edge or point of discharge to a surface water within 24 hours of connecting the ditch to the surface water:

Install seed, fertilizer, and disc-anchored mulch or temporary wood fiber blanket in ditches and swales within 24 hours of connecting the ditch or swale to the surface water where shown on the plan in accordance with the details.

Description of other erosion prevention practices to be used:

Install the specified energy dissipation method, such as riprap and geotextile fabric, at pipe outlets within 24 hours of installation. Permanently seed disturbed areas prior to end of seeding dates specified by MnDOT.

4. Sediment Control Practices

Description of sediment control practices to be used to minimize sediments from entering surface waters, including curb and gutter systems and storm drain inlets:

Permanent sediment control practices to be used on this project consist of sedimentation basins. Temporary sediment control practices to be used are silt fence, culvert inlet protection, storm sewer inlet protection, stone pad exits, concrete washout area, ditch checks, and, if necessary, street sweeping.

5. Dewatering and Basin Draining

If the project includes dewatering or basin draining, describe the BMP's to be used to prevent the discharge from adversely affecting the receiving waters and downstream landowners.

Dewatering for sanitary sewer construction to be performed in accordance with dewatering permit.

6. Additional BMP's for Special Waters and Discharges to Wetlands

This project does not discharge stormwater directly to a Special Water. This project does not discharge stormwater directly to wetlands.

7. Construction Activity Sequence

In addition to performing and sequencing the tasks associated with implementing this SWPPP as described herein and shown on the plan, the Contractor shall perform construction activities in accordance with the following sequence:

- (1) Install silt fence along property line of project site where shown on plan and where property line is down gradient and within 100 feet of areas to have disturbed soil and where property line is within 20 feet of soil disturbing and other construction activities.
(2) Install silt fence along edge of wetlands and at other locations shown on the plan.
(3) Install stone exit pads where shown on plan and at other locations where vehicles and equipment will leave the site onto paved and gravel surfaces.
(4) Construct storm water ponds and related piping and control structures as shown on the project plans. Install and maintain temporary erosion prevention measures as shown on the plan.
(5) Install silt fence along bottom of storm water pond inslopes and where shown on the plan.
(6) Complete earthwork activities. Install and maintain sediment control measures such as ditch checks and stormwater inlet protection.
(7) Complete utility construction. Install and maintain sediment control measures such as inlet protection as work proceeds.
(8) Remove silt deposits from site, remove silt deposits from stormwater basins.
(9) Provide soil stabilization to disturbed areas by preparing topsoil, seeding, fertilizing, mulching, anchoring mulch in accordance with plans and specifications.
(10) Remove perimeter silt fence, other silt fence, check dams, and other sediment control measures upon achieving final stabilization and Owner submits the Notice of Termination.

8. Inspections and Maintenance

Description of procedures to be taken to routinely inspect the construction site:

Contractor shall inspect erosion prevention and sediment control BMP's to ensure integrity and effectiveness. Repair, replace, or supplement non-functional BMP's to provide continually functional BMP's. Contractor shall inspect the entire construction site a minimum of once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours. Inspections shall include stabilized areas, erosion prevention and sediment control BMP's, and infiltration areas. Specific tasks associated with the inspection and maintenance of the BMP's include the following:

- * Maintain and retain at the construction site written records of the inspections and maintenance performed. Records of each inspection and maintenance activity shall include: Date and time of inspection/maintenance activity; Name of person(s) performing the activity; Finding of inspection; Recommended corrective actions; Corrective actions taken; and Date and amount of rainfall events greater than 0.5 inches in 24 hours.
* Repair, replace, or supplement silt fences that become non-functional or accumulate sediment to the level of 1/3 the silt fence height or more within 24 hours of discovery or as soon as conditions allow access.
* Drain temporary and permanent sediment basins and remove sediment when the volume of sediment collected reaches 1/2 the permanent storage volume within 72 hours of discovery or as soon as conditions allow access.
* Inspect surface waters, drainage ditches, and stormwater conveyance systems for evidence of sediment deposited by erosion. Remove deltas and deposited sediment and restabilize areas where sediment removal results in exposed soil within seven (7) days of discovery unless precluded by legal, regulatory, or physical constraints. Removal and stabilization shall be completed within seven (7) days of obtaining access. The NPDES/SDS permit holder is responsible for contacting the local, regional, state, and federal authorities and receiving the applicable permits prior to performing this work.
* Inspect construction site vehicle exit locations for evidence of sediment being track off-site onto paved surfaces. Remove tracked sediment from off-site paved surfaces within 24 hours of discovery.
* Inspect perimeter of construction site. Remove off-site accumulations of sediment in a manner and at a frequency to minimize off-site impacts.

9. Pollution Prevention Management Measures

Contractor shall implement the following pollution prevention management measures on the site:

- * Solid Waste: Collect and properly dispose of sediment, asphalt and concrete millings, floating debris, paper, plastic, fabrics, construction and demolition debris, and other wastes in accordance with MPCA disposal requirements.
* Hazardous Materials: Properly store, provide required secondary containment, and dispose of oil products, fuels, paint products, and other hazardous substances to prevent spills, leaks, and other discharges in accordance with MPCA regulations. Provide restricted access storage areas to prevent unauthorized access and vandalism.
* Equipment Washing: Restrict external washing of trucks and other construction equipment to a defined area of site. Contain runoff and properly dispose of waste. Engine degreasing is prohibited on the property.
* Spill Prevention: Park construction equipment and store potentially hazardous materials in a designated area located as far as practicable from potential environmentally sensitive areas. Construct impoundment dike and take other measures required to contain spilled material. Remove and dispose of contaminated soil, vegetation, and other materials and perform other mitigation measures as required in accordance with MPCA regulations.
* Sanitary and Septic Waste: Provide and maintain temporary facilities in accordance with MPCA and Minnesota Department of Health regulations.

10. Final Stabilization

Contractor shall achieve final stabilization of the construction site by achieving the following:

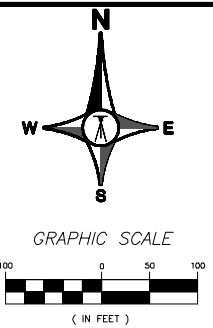
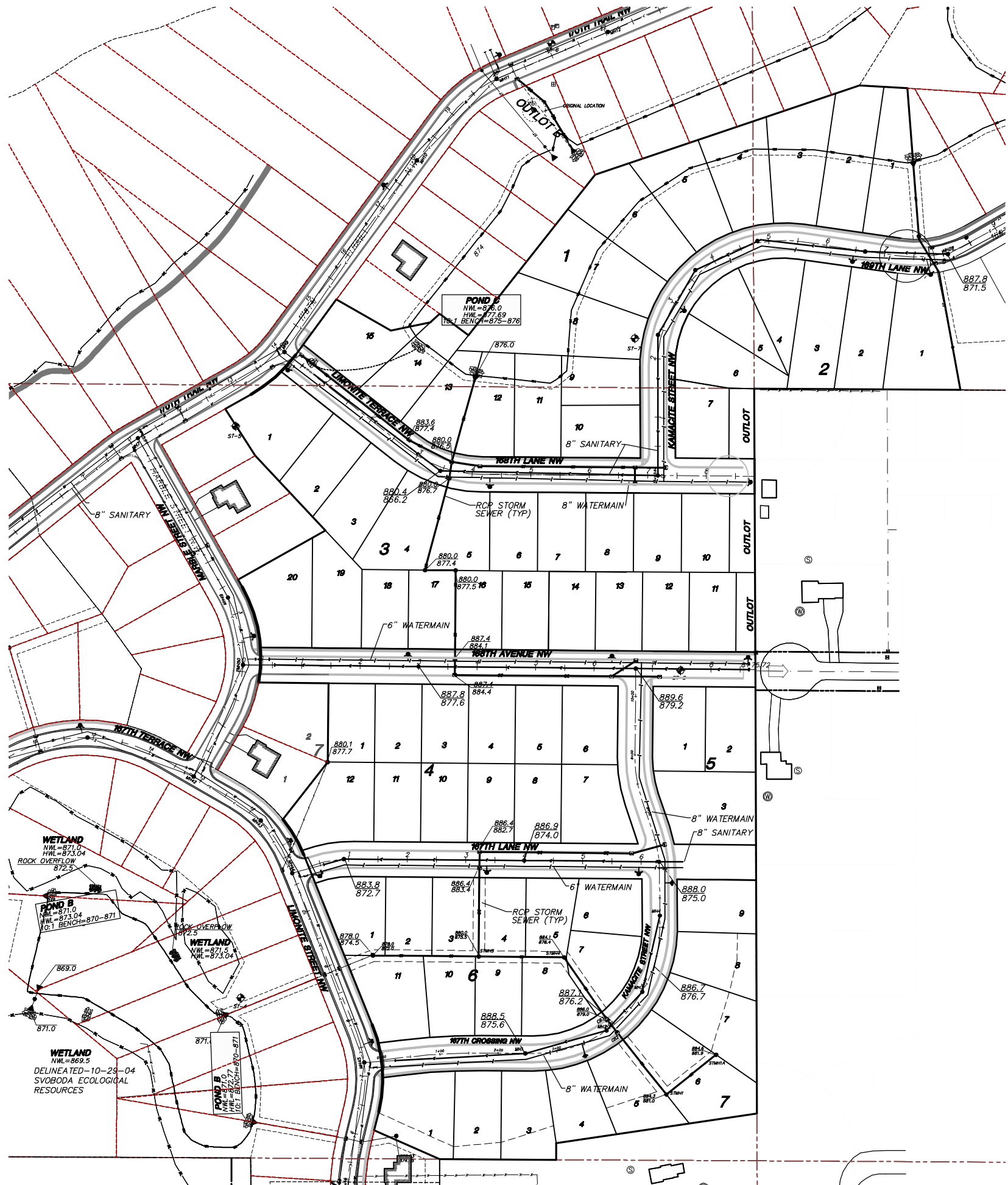
- * Soil disturbing activities have been completed and soils are stabilized by a uniform perennial vegetative cover with a density of 70 percent over the entire pervious surface area or other equivalent means to prevent soil failure under erosive conditions.
* Temporary synthetic and structural erosion prevention and sediment control BMP's are removed.
* Sediment is removed from permanent sedimentation basins to return basins to the design capacity, removed from stormwater conveyance systems, and is stabilized or removed from the site.

11. Notice of Termination

Contractor shall notify Owner immediately upon achieving Final Stabilization. Owner must submit the Notice of Termination within 30 days after Final Stabilization or within 30 days of another owner assuming control according to Part II.B.5. over all areas of the site that have not undergone Final Stabilization.

Vertical title block containing project name 'BROOKFIELD 4TH ADDITION STORM WATER POLLUTION PREVENTION PLAN', company name 'ANDERSON PASSH & ASSOCIATES', address '200 3RD AVE NE, SUITE 100 CAMBRIDGE, MINNESOTA 55008', phone '763-689-4042', fax '763-689-6681', and a table for revisions.

SW 1



MATERIALS
 WATER
 WATER MAIN - 6" & 8" CL 52 DIP
 WATER SERVICE - 1" TYPE K COPPER
 SANITARY
 SANITARY MAIN - 8" SDR 35 & SDR 26 PVC
 SANITARY SERVICE - 4" SDR 35 PVC

-ALL SANITARY SERVICES CONNECTED TO 8" DR 18 PIPE MUST INCLUDE CONCRETE AROUND THE WYE AND ELBOW.
 -10' TYPICAL HORIZONTAL SEPARATION BETWEEN SANITARY SEWER AND WATERMAIN.
 -3' TYPICAL HORIZONTAL SEPARATION BETWEEN SANITARY AND WATER SERVICES.
 -HYDRANTS LOCATED 5' FROM BACK OF CURB.
 -WYE STATIONS FROM DOWNSTREAM MH.
 -CURB STOPS SHALL BE PLACED @ PROPERTY LINE UNLESS SIDEWALK IS SHOWN THEN STUB INTO LOT 9' PAST R.O.W.



WETLAND
 NWL=871.0
 HWL=873.04
 ROCK OVERFLOW
 872.5

POND B
 NWL=871.0
 HWL=873.04
 10:1 BENCH=870-871

WETLAND
 NWL=871.0
 HWL=873.04

WETLAND
 NWL=869.5
 DELINEATED-10-29-04
 SVOBODA ECOLOGICAL RESOURCES

POND B
 NWL=871.0
 HWL=873.04
 10:1 BENCH=870-871

BY	REVISIONS	DATE	DATE
br	9/24/13 plot w/ road connection to east.		
ANDERSON PASSE & ASSOCIATES 200 3RD AVE NE, SUITE 100 CAMBRIDGE, MINNESOTA 55008 Phone 763-689-4042 fax 763-689-6681			
BROOKFIELD 4TH ADDITION PRELIMINARY UTILITIES RAMSEY, MINNESOTA			
DRAWN	P&G	DATE	REG. NO.
SCALE	1"=100'	8-29-13	86019
PROJECT	127-13	DATE	BY
CHECKED	BR		BR
APPROVED	BR		BR
 BRENT ROSZELL			
			

September 27, 2013

Capstone Homes, Inc.
Attn: Ben Minks
14015 Sunfish Lake Blvd NW
Ramsey, MN 55303

Re: Preliminary Plat Review—BROOKFIELD 4TH ADDITION

Dear Mr. Minks:

The City of Ramsey has received your application for Preliminary Plat Review for a 77 lot subdivision. City Staff is recommending to the Planning Commission approval of the Site Plan contingent upon the following:

- Required amendments as outlined in the attached Staff Report dated September 27, 2013.
- Execution of a Development Agreement (draft to be forwarded at a later date)

Please note: this is only a recommendation that is subject to review by the Planning Commission and final decision by the City Council. A copy of the Staff Report is attached for your review. The Planning Commission will review the request on **Thursday, October 3rd, at 7:00 p.m.** at the Ramsey Municipal Center 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. Following the Planning Commission, the request will need to be reviewed for a final decision by the City Council. This hearing would tentatively be scheduled for Tuesday, October 22nd, 2013, at 7:00 p.m. in the Council Chambers.

Also, as a reminder, the City has scheduled an Open House related for the request for interested parties for 4:00 p.m. to 6:30 p.m. at the Ramsey Municipal Center, Alexander Ramsey Room for October 3, 2013.

Please let me know if you have any questions or concerns. I can be reached at (763) 576-4308 or by email at tgladhill@cityoframsey.com.

Sincerely,

CITY OF RAMSEY

Tim Gladhill
Development Services Manager

Enclosures

Cc: 21st Century Bank, Attn: Tom Dolphin, 9380 Central Ave NE, Blaine, MN 55434

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

DATE	9-27-13	PROJECT ADDRESS	
PROJECT TITLE	BROOKFIELD 4 TH ADDITION		
ESCROW #	113790		
DEPARTMENT:	Planning		
TECHNICAL REVIEWER:	Name: Tina Goodroad Phone: 651-967-4537 Email: tina.goodroad@stantec.com		

We offer the following comments regarding your request for a Preliminary Plat for Brookfield 4th Addition:

General: The applicant is requesting Preliminary Plat approval of Brookfield 4th Addition. This plat is a continuation of the Brookfield Addition west of Nowthen Boulevard and generally north of 167th Avenue and will encompass a majority of the remaining lots from the original Preliminary Plat. The current Preliminary Plat includes seventy-seven (77) lots. It is hereby noted that the previous Preliminary Plat has expired. It is further noted that the City had previously approved a Plat entitled BROOKFIELD 4TH ADDITION. However, the Plat was never recorded and has since expired.

The original Preliminary Plat was approved by the City Council on September 13, 2005. In 2009, the City Council approved an Amended and Restated Development Agreement related to the first three phases of BROOKFIELD as well as an Amendment to Water Main and Sanitary Sewer Cost Contribution/Reimbursement Agreement.

To service the BROOKFIELD as well as the SWEETBAY RIDGE developments, the original developer agreed to extend certain trunk lines (sanitary sewer and water) to these subdivisions at the cost of the developer. As the benefit of these trunk lines extends beyond these two (2) subdivisions, the City entered into the Reimbursement Agreement as a way for the developer to recapture a portion of the \$6,000,000 investment in trunk line construction. These credits are factored into the Development Fee calculations attached hereto.

Setbacks: Required	Proposed:
Front yard: 30 feet	Front Yard: 30 feet except for blocks 3 and 4 where 25 feet is proposed. This was approved by the original Preliminary Plat and approved Variance. The Applicant shall include the original Sheet S1 as part of the official review packet.
Side yard uninhabitable: 6 feet	6 feet
Side yard habitable: 10 feet	10 feet
Side yard corner: 30 feet	30 feet
Rear yard: 30 feet	30 feet
Minimum lot width: 80/corner 90	80 at setback (pie shaped lots less than 80 at the street).

**Note: Minimum Lot Width is measured at front yard setback (30 feet from front property line), not front property line, nor at curb line.*

It appears that the proposed Preliminary Plat meets or exceeds minimum standards required by City Code related to the above.

Land Use and Zoning: The site is guided LDR on the Comprehensive Plan and zoned R-1, MUSA. The minimum lot size in the R-1, MUSA zone is 10,800 sq. ft. Each of the proposed lots meets the minimum lot size. *Applicant shall provide total acreage of the proposed preliminary plat.*

Net Density Calculations. The Applicant shall provide gross acreage, as well as net acreage. Net acreage is calculated by subtracting wetlands and rights of way from the gross acreage. The Applicant must also provide Net Density Calculations described as number of units per net acre.

Landscaping: Two trees per dwelling unit are required. Deciduous trees shall be a minimum of one (1) inch caliper and evergreen trees shall be at least five (5) feet in height. *Please update the landscape plan to include a planting schedule that identifies the common and scientific name, root stock and quantity for each proposed species.*

- *While it appears generally that each lot will have two (2) trees planted, many of them indicate that one tree will be planted in the rear yard. Each lot shall have two (2) front yard trees. Please update the landscape plan.*
- *An alternative to Silver Maple should be utilized due to that species tendency to produce surface roots.*
- *A planting detail must be included with the landscape plan (another option is to incorporate the City's tree planting detail). At a minimum, it should state:*
 - *Planting depth shall be such that the 1st set of primary roots is at finished grade*
 - *Only prune out dead/broken/deformed branches at time of installation*
 - *Removal of upper portion of wire basket and burlap after being placed in planting hole if using B & B stock.*
 - *2-4 inches of wood chip mulch shall be included around all trees. Mulch shall not be piled against the trunk of trees.*

Density Transitioning: The proposed plat is adjacent to an existing larger lot residential neighborhood. These lots are also zoned R-1 so density transitioning, as required by the ordinance, does not apply as the zoning districts are the same. However, as the existing lots are of a different size and character, staff requests that the applicant consider providing buffering between these abutting lots. This can be accomplished through new planting or use of existing streets. In addition, a detailed inventory, prepared by an ISA Certified Arborist or a Society of American Foresters Certified Forester, must be submitted identifying all existing significant trees, species, DBH and condition. *Minimum tree size for transitioning plantings are 2.5 inches for overstory (shade) trees, 1.5 inches for ornamental trees, and six (6) feet in height for evergreen trees. A landscape easement or some other legal tool shall be required to ensure long-term maintenance and survival of the plantings. This easement or other tool shall be recorded against each of the lots encumbered with transitioning plantings.*

Tree Preservation: While the majority of the site is devoid of trees, there is some tree cover along the southern and western edges of the proposed plat. A detailed tree inventory (as mentioned above) must be provided for these trees, which may then be beneficial with regard to density transitioning (as suggested by staff). At least forty percent (40%) of the inches of existing significant tree DBH must be preserved on site. The tree preservation plan shall include the following:

- All oak trees and evergreen trees that are four (4) inches or greater in Diameter at Breast Height (DBH) and all other deciduous trees that are eight (8) inches in greater DBH shall be identified on the tree inventory (cumulatively referred to as significant trees).
- Inventory shall include species, DBH, tree condition, whether the tree will be preserved or remove, a tally of total significant tree DBH on site and how many DBH inches will be removed.
- Inventory shall also identify location of tree save fencing, which shall be installed at least at the drip line of individual trees or groups of trees and shall be in place prior to any grading or removal work begins.

Topsoil: Each individual lot will need to have four (4) inches of topsoil meeting the City’s topsoil specification. A topsoil inspection is required prior to landscaping being installed and copies of the load tickets are required as well. This is reviewed at time of Building Permit Application and request for Certificate of Occupancy for each individual lot.

Building Elevations: No elevations of the proposed homes were submitted. Individual models are not included for review. In a single family development, it is difficult to approve every individual potential model at time of Plat. As with the original Preliminary Plat, no enhanced architecture above the minimum City Code requirements of Section 117-111 (R-1 Residential District) is being proposed. The required Development Agreement shall clearly state that additional architectural requirements are not being required at this time, and that the underlying requirements for the R-1 Residential (MUSA) District are required.

Streets: All proposed streets appear to meet the 60 foot width minimum. Proposed street system appears to complete anticipated connections such as with 168th Avenue NW. The connection will result in additional traffic levels on 168th Avenue as well as Garnet Street. Garnet Street currently has a poor pavement condition (Paser Rating of 1) and is subject to reconstruction. The reconstruction of Garnet Street is currently dependent upon implementation of the City’s Long Term Street Maintenance Program currently under consideration.

The Plans shall be revised to clearly articulate the connection of 168th Avenue, including the removal and restoration of the existing cul-de-sac. Please review the Engineering Technical Report for additional details.

Sidewalks and Trails. The plans must be amended to clearly indicated sidewalks on at least one side of each public street.

Grading Corrections on Block 6, BROOKFIELD 3RD ADDITION. Interim grading approval by the City needs to be corrected to comply with the overall grading plan for BROOKFIELD. If the grading is not corrected or is proposed to follow the interim grading solution, the existing Temporary Grant of Drainage and Utility Easement must be re-affirmed before that Plat is released for recording. This applies to Block 3 of BROOKFIELD 3RD ADDITION.

Development Fee Calculations: Development Fees due on the Plat are attached hereto as an exhibit to this review file. Detailed analysis on unique provisions of development fees related to this plat are outlined below.

Park Dedication and Trail Development Fees: Park Dedication shall be due on the Plat. These fees are collected at the time the Final Plat is recorded at the rate in effect when the plat is recorded. The Park and Recreation Commission shall review and make a recommendation. At this time, Staff recommends that a

cash contribution be used to satisfy Park Dedication Requirements. It is further recommended that the Park Dedication be utilized to make the trail connection along Trott Brook to Variolite Street to the west. There is an existing storm water easement on Outlot C, Brookfield 3rd Addition that could be expanded as a trail easement to provide a public trail connection from 170th Trail. This connection would be a nice addition for the existing Brookfield residents and this new 4th Addition, consistent with the City's current Master Park and Trail Plan. The exact timing and level of construction will be dependent upon the number of lots created with the Final Plat (if the 77 lots are phased in over time) and an estimate of the costs to extend and connect the trail. It is further noted that 21st Century Bank has conceptually agreed to convey necessary trail easements and fee-title to areas to make additional connections.

The Parks and Recreation Commission will be meeting on Thursday, October 10, 2013 at 7:00 p.m. to review Park Dedication and Trail Development obligations.

Sanitary Sewer and Water Trunk Fees. Sanitary Sewer and Water Trunk Fees are subject to the existing reimbursement agreement with 21st Century Bank. Per the Reimbursement Agreement, these fees are not due with the Plat and are credited towards the previous investment made. The appropriate fees are listed in the attached exhibit in order to calculate the credits provided to subtract from the overall reimbursement amount. The Development Agreement will clearly articulate that these fees will not be collected, but will be credited against the reimbursement amount.

Development Agreement: *An executed Development Agreement will be required prior to releasing the plat for recording.*

Previous Developer Amenities and Home Owners' Association. As part of the original plat of BROOKFIELD, the original Developer, Oakwood Land Development, proposed several private amenities that were not required by the City. These improvements included, but were not limited to, a pond/water feature, landscaping within public right of way (roundabout/entrance area), landscaping along Nowthen Boulevard, and a private park. The City allowed these amenities to be constructed with the understanding that the City would not accept future maintenance obligations for said amenities. The water feature/pond was created by installing a liner in the development's Stormwater pond. Many of the landscape improvements were constructed within City right of way. Attached to this case report is a Fact Sheet prepared by the City and summarized below.

As these amenities were not required by the City, the City's expectations were that the development itself shall be responsible for the ongoing maintenance of these amenities. It is the City's understanding that the Developer set up a Home Owners' Association (HOA) as a mechanism to address long term maintenance of these features. Maintenance also included irrigation and billing for the utilities necessary to maintain these improvements.

In 2009, Oakwood Land Development transferred its interest in BROOKFIELD to 21st Century Bank. At that time, a large majority of the lots within BROOKFIELD remained undeveloped and under the ownership of 21st Century Bank. During the transfer of ownership and through a request to amend the existing Development Agreement, the City encouraged 21st Century Bank to maintain the HOA, but did not require this to occur, as it did not possess the legal ability to do so (it is not a City requirement). The City commented at that time that the City would not take on the maintenance obligations of these amenities, as clearly articulated when the plat was approved. 21st Century Bank indicated that it would make its best efforts to re-establish the HOA, but lacked the legal ability to require future property owners to participate financially due to the structure of the existing Declaration of Restrictive Covenants. 21st Century Bank has stated that

it was not able to require existing homeowners to contribute financially to the HOA under the existing documents. According to 21st Century Bank, it redrafted and re-recorded the Declaration of Restrictive Covenants to the best of its ability. A more detailed analysis from 21st Century Bank is included in this report. Furthermore, the City understands that it is the intent of the Applicant to not subject the proposed lots to the existing, nor future HOA.

As the HOA, nor the private amenities were required by the City (nor could be required by the City under current City Code provisions), it will be up to the Homeowners to administer the provisions of the HOA. The City will, however, assist by facilitating discussions amongst homeowners by providing a location to meet as a group and continue to provide educational materials related to HOAs and ways to improve water quality of the pond. The City cannot, however, be the legal counsel to establish HOA documents or revisions.

However, the City also reiterates that it is our current position that the City shall not accept maintenance obligations related to the water feature (other than ensuring proper functionality as a Stormwater pond), private park, center median and roundabout landscaping at the entrance from Nowthen Boulevard, or additional landscaping along Nowthen Boulevard that were proposed by the original developer, but not required by the City.

The City acknowledges a number of concerns related to the above amenities and maintenance obligations of said amenities have been submitted to the City. An open house has been scheduled for Thursday, October 3rd at 4:00-6:30 p.m. to provide an opportunity for area residents surrounding the Brookfield 4th Addition to meet with staff and the applicant and discuss plans prior to the public hearing.

Staff became aware of a ‘Town Hall Meeting’ hosted by a resident of BROOKFIELD related to HOA and private amenity concerns. Staff is pleased to see that the neighborhood is organizing in an attempt to revive the HOA, as these private amenities are a benefit to the neighborhood. It is noted that a representative from the City was not at this meeting, so the subject matter is unclear at this time. It is reiterated here that the official City review process begins on October 3, 2013.

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

DATE	SEPTEMBER 27,2013	PROJECT ADDRESS	EAST OF MARBLE STREET, SOUTH OF 170 TH TRAIL
PROJECT. TITLE	BROOKFIELD 4 TH ADDITION		
ESCROW #	113790		
DEPARTMENT:	Engineering		
TECHNICAL REVIEWER:	Name: Leonard Linton Phone: 763 433-9834 Email: llinton@ci.ramsey.mn.us		

We offer the following comments regarding your request for the Preliminary Plat of Brookfield 4th Addition. The submittal consists of 5 sheets prepared by Anderson Passe & Associates dated August 29, 2013. Revised Grading and Utility Plans dated September 24, 2013 were also reviewed.

General: The submitted major subdivision proposes to plat Outlot A, Brookfield 3rd Addition to create 77 urban single family lots. The subject property is generally located south of 170th Trail NW and east of Marble and Limonite Streets. The eastern borders are Brookfield 1st Addition and Now and Then Estates. This development is approximately 26.8 acres.

Streets and Access: The development accesses Limonite Street NW, Marble Street NW, 170th Trail NW, and 169th Lane NW which were constructed in prior phases of Brookfield Addition. The plat will also connect to 168th Avenue NW in the Now and Then Estates Plat.

The streets will be urban section with concrete curb and gutter and bituminous pavement. A sidewalk is generally provided on one side. The existing cul-de-sacs shall be reshaped as follows:

- Remove all of the bituminous pavement.
- Reshape the area outside of the new roadway.
- Relocate drainage structures to align with the new curb.
- Reinstall the curb and pavement.
- This applies to 169th Lane NW and to 168th Avenue NW on the east edge of the plat.
- Extend the driveway from 6950 168th Avenue NW to the new edge of pavement.

Traffic Analysis Report: A traffic generation analysis for the Brookfield development has been prepared by Bolton & Menk Inc. which analyzed the impact of this development on the following intersections:

1. 166th Avenue and Variolite
2. Ramsey Blvd and Nowthen Blvd
3. 167th and Nowthen Blvd.
4. 167th Avenue and Coquina St.
5. 167th Avenue and St Francis Blvd.

All of the above intersections, except for 167th Avenue and TH 47 will continue to operate at acceptable levels of service. No immediate improvements are recommended for these intersections around the development. The intersection at 167th Avenue and TH 47 currently operates below a desirable level of service during the afternoon peak period. Improving the level of service at this intersection will require signalization of this intersection. The intersection must meet traffic warrants before this signalization will be allowed by MnDOT.

The lots in this plat were included in this traffic analysis, a separate study is not required.

Grading and Drainage Plans: A preliminary grading and drainage plan has been prepared for this subdivision by Anderson Passe & Associates, P.A. Staff offers the following comments on this plan:

1. Lot corner elevations need to be provided on all lot corners and along the centerline of drainage swales which do not coincide with common property lines. Drainage and utility easements need to be provided over such swales.
2. The 100 year flood elevations for ponding areas need to be noted on the grading plan. All lowest floor building elevations must be two feet above this elevation.
3. The emergency overflow elevation for each water quality pond must be one foot lower than the lowest adjacent grade of the building structures.
4. The maximum slope should not exceed one foot vertical to four feet horizontal. .
5. The font size/ pen weight of labels must be increased to make plan readable.
6. The existing swale across lots 14 and 15, Block 1 must be backfilled with fill suitable to support a structure. The existing curb and pavement at the intersection of 170th Trail NW and Limonite Terrace NW may need replacement due to undermining of the soil.
7. Sidewalks are generally shown adjacent to the streets. Sidewalks must be added to Kamacite Street NW between 168th Avenue NW and 168th Lane NW and 167th Lane NW between Limonite Street NW and Kamacite Street NW.
8. There are existing homes on lots 1-3, Block 6, Brookfield 3rd Addition. The grading for lots 1-4 and 18-20, Block 3 of Brookfield 4th must maintain the drainage pattern established when the homes were constructed.
9. The high point in 168th avenue must be at the east edge of the plat, drainage from this project cannot flow to the east.
10. Grades and catch basin placement at the intersection of 167th Lane NW and Kamacite Street NW must be revised.
11. The label size/ line width must be adjusted to allow for checking of street profiles and lot grading.

A permit from the Lower Rum River Water Management Organization must be obtained.

Utilities: All lots are proposed to be served by municipal sewer and water. A preliminary utility plan has been prepared which is generally acceptable. Construction plans and specifications are subject to review of the City Engineering Department.

Items that must be updated prior to approval of the Preliminary plat are noted below:

- Storm sewer inverts in Blocks 4 and 6 require adjustment, upstream inverts are lower than downstream inverts.
- Rim and invert labels must be added for all manholes and catch basins.
- Labels must be moved to point to the appropriate structure.
- The font size/ pen weight of labels must be increased to make plan readable.

Stormwater Pollution Prevention Plan: The Stormwater Pollution Prevention Plan must be modified as follows:

Update the disturbed area number.

Change text 'discharg' to discharge.

Change water quality volume from ½ inch to 1 inch per Lower Rum River WMO and the MPCA construction stormwater permit requirements.

Add item 7.11 – 'Remove soils tracked onto City streets with a pickup broom within 3 hours of notification by City.'

Landscaping Plan: The south and east sides of the plat adjoin existing single family rural lots. The landscaping plan does not show screening between the urban and rural lots.

These comments apply to the preliminary plat submittal. The Final Plat documents and construction plans will be subject to further review and comment.

City of Ramsey

2013 Residential Development Fee Calculator - BROOKFIELD 4TH ADDITION

	Units	Unit Type	Unit Price	Total	Notes
Park Dedication and Trail Development					
Park Dedication					
0-12 Units per acre; or	77	per unit	\$2,475	\$190,575	
12-19 Units per acre; or		per unit	\$2,289	\$0	7.5% Density Bonus
20+ Units per acre; or		per unit	\$2,104	\$0	15% Density Bonus
Assisted Living		per acre	\$4,738	\$0	
Trail Development	77	per unit	\$600	\$46,200	
Subtotal Park and Trail Development				\$236,775	
Water and Sewer Fees					
Water Fees - No Cash Collection (to be credited towards Reimbursement Agreement)					
Trunk/Connection	77	per unit	\$1,925	\$148,225	Per Reimbursement Agreement
Lateral		per connection	\$6,143	\$0	If already constructed
Sewer Fees - No Cash Collection (to be credited towards Reimbursement Agreement)					
Trunk/Connection	77	per unit	\$1,137	\$87,549	Per Reimbursement Agreement
Lateral		per connection	\$3,328	\$0	If already constructed
Subtotal Trunk and Lateral				\$235,774	
				Credit per Reimbursement Agreement	\$235,774
Accessibility Charges					
Accessibility Charge (WAC)	77	per SAC Unit	\$1,148	\$88,396	Collected with Building Permit
Accessibility Charge (SAC)	77	per SAC Unit	\$2,435	\$187,495	Collected with Building Permit
SAC Handling Fee	77	per address	\$25	\$1,925	Collected with Building Permit
<small>*SAC is a Metropolitan Council Environmental Services (MCES) Fee; SAC Unit Determined by MCES</small>					
Subtotal Water and Sewer Fees				\$277,816	
Stormwater Management Fees					
Stormwater Management	77	per unit	\$448	\$34,496	
Subtotal Stormwater Management				\$34,496	
Street Light Fees					
Street Light Type					
Cobra; or	10	per light	\$1,300	\$13,000	
The COR		per light	\$2,600	\$0	
Three (3) Years Operating and Maintenance	10	per light	\$294	\$2,940	
Subtotal Street Lights				\$15,940	
Sureties and Inspection Fees					
Sureties (to ensure completion; returned when complete)					
Subdivisions/Plats (public improvements)		cost of improvement	125%	\$0	Cash or Letter of Credit
Site Plans (private improvements)		cost of improvement	150%	\$0	Cash or Letter of Credit
Subtotal Sureties				\$0	
Engineering Inspection Fee		cost of improvement	5%	\$0	Cash Escrow
Subtotal Surety and Inspection Fee				\$0	
GRAND TOTAL FOR DEVELOPMENT FEES				\$287,211	
GRAND TOTAL FOR ENGINEERING INSPECTION FEES				\$0	Separate from Building Permit
GRAND TOTAL FOR SURETIES				\$0	
GRAND TOTAL FOR SAC/WAC				\$277,816	Collected with Building Permit

Brookfield Developer Amenities and Home Owners Association Fact Sheet

What amenities were proposed by the Developer?

The original developer has proposed multiple amenities for the development including, but not limited to:

1. Private pond/water feature (within Stormwater pond)
2. Private park (slated for existing Outlot)
3. Landscaped medians (within City right of way)
4. Boulevard landscaping (within private property along Nowthen Boulevard)

Were these amenities required by the City?

No. The private amenities listed above are not a requirement of the City. The City allowed the developer to construct these amenities, but stated that the City would not accept future maintenance obligations of these private amenities.

Why was the Home Owners Association formed?

Although the City shall not comment on the legal aspects of the HOA or Declaration of Covenants and Restrictions, the HOA was formed in part in order to provide a mechanism to maintain the private amenities. This includes financing for a pump for the water feature and irrigation for landscaping.

Why is the pond not holding water as originally anticipated?

A pond liner was installed in order to maintain a level of water where it would normally infiltrate through the soil into the groundwater aquifer. It is the City's understanding that the pond liner failed, and that a portion of the water is infiltrating through the soil. It should be noted that the City only requires that the pond function as a Stormwater pond to capture surface water runoff from impervious surfaces within the development. The City does not require that the pond maintain a certain water level.

Which parcels are subject to the HOA?

The City is not in a position to comment on the legal aspects of the HOA, nor the accompanying declarations and restrictions. It is the City's understanding that a portion of the existing parcels were removed at least in part from certain obligations of the HOA, or lacked the ability to enforce certain provisions to begin with. Most notably, it has been communicated to the City that the original Declaration of Restrictive Covenants lacked the enforceability to collect HOA dues. This is not an official legal opinion of the City, simply communication provided to the City. Concerned residents should consult a real estate attorney for more information.

The City would, however, assist in facilitating a discussion amongst residents to discuss the future of the HOA. While the City cannot require the HOA, it can create a space for discussion and provide educational and technical information in an attempt to point the HOA in a positive direction related to administration and maintenance of the private amenities.

What happens if the private amenities are not properly maintained?

While the City is cognizant and aware of the benefit of providing these amenities for the neighborhood, the City is not in a financial position, nor a resource position, to take on these additional obligations at this time.

The City will ensure that the pond continues to function as a Stormwater pond in compliance with the approved grading plan. The City will not maintain the pond in such a way that guarantees a certain water level. If the residents of the community desire to maintain a level of water, it shall be their responsibility to do so through appropriate tools and mechanisms.

The City will not construct or maintain the planned private park, as stipulated throughout the platting and Development Agreement process for Brookfield 1st, 2nd, and 3rd Additions and, as it is not part of the City's Master Park and Trail Plan as recommended by the Park and Recreation Commission. The City will, however, continue to develop key connections through linear parks and trails as planned in the Master Park and Trail Map. The City will not maintain the landscape medians at the Nowthen Boulevard entrance and roundabout. In the event the lack of maintenance results in vegetation failure, the City will remove these improvements from the right of way. At this time, the City has no plans to remove the vegetation from the City right of way, so long as the condition of the landscaping remains acceptable. It is noted that said landscaping is beginning to deteriorate, so it is preferred if corrective action is commenced as soon as possible.

Will the future lots being created as part of BROOKFIELD 4TH ADDITION include an HOA?

Based on the materials submitted to date, it does not appear that the Applicant is planning on including itself as part of the existing HOA nor creating a new HOA. According to information provided to the City, the Declaration of Restrictive Covenants was only recorded on individual buildable lots for BROOKFIELD 1ST, 2ND, and 3RD ADDITIONS. The Declaration does not appear to have been recorded on Outlots, which are undeveloped portions anticipated for future development.

What options do we have to ensure the private amenities are properly constructed and maintained?

Interested individuals should consult legal counsel specializing in real estate law. Options include forming or re-forming an HOA or exploring other funding and maintenance alternatives. Again, the City is interested in assisting by facilitating discussion and providing educational materials, but cannot provide legal counsel nor require formation of an HOA.

To Whom it May Concern:

A number of misconceptions have been brought to our attention recently, and it is hoped that the following material will help to clear up some of these matters.

I. Ownership of Brookfield Lake

It has been stated that the Brookfield Homeowners Association (“HOA:”) owns the “Brookfield Lake”. This is not true. The land beneath the pond is owned by the individual lot owners along 107th, and the land beneath the pond is owned by 21st Century Bank on the southeast side. The Bank’s land is the land now being platted by Capstone. The pond area on the northwest side is a dedicated public drainage easement established in the previous Brookfield plats. Capstone will be required to dedicate a public drainage easement over the new lots that are platted on the southeast side of the pond.

II. Homeowner’s Association

An HOA was formed as a non-profit corporation by Oakwood. It has since been administratively dissolved by the Minnesota Secretary of State for non-filing of annual renewals, but it can be re-activated by a simple on-line process at a cost of less than \$50. The HOA has bylaws, and every lot owner in Brookfield is automatically a member.

III. Declarations

There is a recorded Declaration that is in effect that covers all of the existing lots in Brookfield. It excludes undeveloped land in the area. Further information is contained below.

IV. History

A. Brookfield Plats

The existing BF development consists of three plats, the First, Second and Third Additions, which were recorded in 2006-2007. Each had its own recorded development agreement, and a set of Declarations was recorded by the Developer, Oakwood Land Development Co. for each plat. The Declarations established some basic land use controls, made reference to an HOA, gave the HOA the duty to maintain the landscaped berm on County 5, and established an Architectural Control Committee to review house plans. No house standards were adopted and the ACC was free to approve whatever it wanted to approve. No dues or assessment methods



were established by the Declarations. According to the recorded Declarations, they were drafted by Oakwood

BF First Addition included a divided lane entrance road from County 5 (170th Avenue NW), with the lanes separated by a landscaped median area, and a roundabout at 170th and Garnet Street, with the center of the roundabout also containing landscaping. I believe that the median and roundabout center have irrigation systems in them, but are entirely within city right of way.

B. Brookfield Lake

This storm water retention pond was intended to be a sales amenity for the lots abutting the lake, and was also to be available for use by all residents of Brookfield via a small outlot on the north side. The bottom is lined with a synthetic material. At some point in time (estimated to be after the plats were all recorded), it was discovered that the lining did not work properly, and that the pond elevation could not be maintained by normal storm water runoff or groundwater levels. There was some dispute between Oakwood and a contractor, but apparently the damage could not be repaired. Oakwood obtained permission to install a well on the access outlot land to pump groundwater into the lake as needed to maintain an acceptable level. There may be a DNR permit involved, and there may be an annual limit on gallonage used.

C. 21st Century Bank Involvement

The Bank provided all of the construction financing for the BF plats. After 2007, the loans went into default, and the Bank eventually foreclosed its mortgages, taking title on March 30, 2010.

As the foreclosure period came to a close, the Bank, the City and Oakwood negotiated the terms of an agreement designed to allow for an orderly transfer of title to about 78 unsold but completed lots and several large future-development outlots to the Bank. The Bank at this time was obligated to fund some letters of credit, and the agreement that was reached in written form allocated the responsibilities for various items among the parties. It was by that time known to the Bank that the organizational documents and Declarations regarding the HOA were severely lacking in enforceability, establishment of dues and even scope, since there was no mention of the 170th Avenue median maintenance, the roundabout maintenance or the Brookfield Lake well.

One of the provisions of the settlement agreement was that the Bank and Oakwood would make good faith efforts to breathe life into the HOA, but with the disclaimer that neither the Bank nor Oakwood would or could guarantee that dues could be collected from residents. This was due to the fact that owners who had already closed and built on their lots had done so with no actual recorded documents requiring them to pay dues.

The agreement among Oakwood, the Bank and the City did not cover the issue of the pond level. The City took the position that their sole interest in the pond was as a drainage easement, for storm water runoff. The liner was not a City requirement. The Bank, by foreclosure of the

mortgages, had no obligation to complete Oakwood's work and the new agreement replaced the old development agreements.

The Bank now owns 18 lots that are not under purchase agreement. The Bank also owns the land being sold to Capstone, and two other undeveloped parcels to the west.

D. Efforts to Revive the HOA

After researching applicable law on the subject, 21st Century Bank did prepare and record Amended Declarations for the three Brookfield plats. These were recorded March 24, 2010 as Document Number 2014022.001. The amended Declarations included the following:

1. Referenced the Corporate Bylaws and recognized the HOA as a Minnesota Non-Profit Corporation. (The corporation was actually administratively dissolved in 2009 for failure to file annual renewals – a fact not known to me until I looked up the SOS records today. It can be revived on-line for under \$50).
2. Added maintenance of the median and roundabout maintenance, and the pumping apparatus for Brookfield Lake to the HOA duties.
3. Set up a voluntary dues system. We did not feel that we could legally set up an enforceable, mandatory dues system after-the-fact. However, the HOA is allowed to deny usage of Outlot B to lot owners who are delinquent in their dues. That would prohibit access to the pond.
4. Set \$50 per year as per lot annual dues, subject to change.
5. Made the Bank the successor declarant with sole right to amend the Declarations.

The Bank's attorney met with a group of about a dozen property owners and John Peterson, president of Oakwood, shortly thereafter, and explained what we had done. Several of those in attendance were openly hostile to the Bank, blaming the Bank for the Developer's work, and insisting that the Bank should pay for everything. The group was informed that the Bank would agree to turn over management of the HOA to them, subject to the right of the Bank to amend or eliminate the Declarations, and the Bank did in fact turn the HOA management over to this group. We have no idea if they elected a board, officers, or anything else.

In August of 2010, the Bank sent the HOA a check for \$3,900.00 in response to an invoice in this amount, representing \$50 per lot owned by the bank. This check was accompanied by the attached letter, in which the Bank advised the HOA that it would monitor the dealings of the HOA and would base its future participation on that monitoring. Verbally, the HOA was advised that the Bank would contribute in the same ratio as the other lot owners contributed.

The Bank received no response to this letter. The Bank received an invoice about a year later for the full dues, but with no documentation of payment of dues by other lot owners and no accounting for the previous years' expenditures. The Bank has no idea of how their \$3,900.00 contribution was used. Absent this documentation, the Bank has assumed that other property owners are not contributing to the HOA.

The expenses of the HOA include city water to run the irrigation systems, electrical power for the Brookfield Lake Pump, maintenance on these system, and mowing/landscaping labor, gas and equipment. The four areas of HOA responsibility under the present Declarations are:

1. Maintenance of the Berm on the west side of County 5. This area is all on privately owned lots, and we speculate that the individual property owners are mowing and maintaining the portions of the Berm that they own. I have no idea why Oakwood originally came up with this form of maintenance.
2. Maintenance of the median landscaping and roundabout landscaping. These areas are within City right of way, are owned by the City as such, and were not created as common areas. The City can fill them in, maintain them or ignore them. There is no way to force the HOA to maintain them if lot owners do not want to pay their dues.
3. Maintenance of the pump apparatus on Outlot B, BF 3. The plan was to convey this lot to the HOA. However, unless the HOA actually comes forward and re-organizes, there is no point in doing so at this time. For liability purposes, this outlot along with Outlot C have been conveyed to a subsidiary LLC. The Bank is also willing to convey these Outlots to the City if the City wants them. The Bank has been paying the nominal taxes on the outlots. Unless a viable HOA materializes, the outlots will probably eventually go tax forfeit.
4. ACC review of building plans. The Bank has been performing this role, reviewing all proposed new construction. Not all plans have been approved. This is somewhat of a simple review, as the original Oakwood declarations established no architectural standards, square foot minimums, etc. The Bank will continue to play this role as long as it owns any undeveloped lots.

E. Present HOA Status

We have no idea of the present status of the HOA. It was turned over to the other property owners three years ago, and the Bank intended to do no more than pay the same pro rata dues as the other owners, leaving HOA management up to the residents. Communication from those residents has been little or none since 2010. I have at two times in the past 2 years fielded calls from individual lot owners on the status of the HOA and have basically given the same explanation to those individuals. I stated to those callers our willingness to contribute on the lots we owned if the HOA could become a functioning entity collecting dues and communicating annually its financial status to us and other lot owners. As sales of lots have picked up, the Bank has received additional inquiries from new lot buyers regarding an HOA, and for that reason the Bank has now determined that unless a significant number of existing lot owners comes forward to actively and responsibly manage an HOA, it would be best for all concerned if the Declarations were now amended to simply eliminate the HOA. Land use restriction would remain in place, and the Bank would continue to serve as the ACC until the current inventory of vacant lots is sold.

Under this scenario, maintenance of the County 5 berm would go back to the individual lot owners. Maintenance of the median and roundabout landscaping would be left to whoever wanted to do so, if any, and the same is true of the Brookfield Lake pumping apparatus.

The bottom line here is that the original HOA documents and declaration were not properly prepared. Neither the Bank nor the City had anything to do with those documents. The Bank inherited the situation, and has contributed substantial time and money to try to fix what was already broken. The Bank is open to suggestions, and would, as we have been all along, amenable to working with a viable HOA, but that is entirely up to the residents.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read 'T. P. Dolphin', with a long horizontal flourish extending to the right.

Thomas P, Dolphin SR. CEO

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #13-10-173

RESOLUTION GRANTING PRELIMINARY PLAT APPROVAL OF BROOKFIELD 4th ADDITION

WHEREAS, Capstone Homes, Inc., hereafter referred to as “Developer”, properly applied for preliminary plat approval of the following described property located in the City of Ramsey:

Outlot A, BROOKFIELD 3RD ADDITION, Anoka County, Minnesota

(the ‘Subject Property’);

WHEREAS, on September 3, 2013, the City of Ramsey received an application and preliminary plat plans for Brookfield 4th Addition from Capstone Homes; and

WHEREAS, the Brookfield 4th Addition is a continuation of the Brookfield Addition; and

WHEREAS, on October 3, 2013, the Ramsey Planning Commission conducted a public hearing regarding the proposed preliminary plat; and

WHEREAS, the Ramsey Park and Recreation Commission reviewed the preliminary plat on October 10, 2013, and recommended that park dedication be satisfied with a cash payment; and

WHEREAS, on _____, 2013, the City Council approved the preliminary plat with conditions; and

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

- 1) That the Ramsey City Council hereby grants preliminary plat approval of Brookfield 4th Addition accordance with relevant City Codes, subject to the following conditions:
 - a) Compliance with City Staff Review File dated September 27, 2013.
 - b) The Developer entering into a Development Agreement with the City.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this _____ of _____, 2013.

Mayor

ATTEST:

City Clerk

CITY OF RAMSEY
DEVELOPMENT AGREEMENT FOR BROOKFIELD 4TH ADDITION

This Agreement (hereinafter the “Agreement”) is dated as of this _____ day of _____, 2013 and is by and between the **CITY OF RAMSEY**, a Minnesota municipal corporation (the “**CITY**”) and **CAPSTONE HOMES, INC.**, 14014 Sunfish Lake Blvd. NW, a municipal corporation (the “**PERMITTEE**”).

WHEREAS, the **PERMITTEE** is the owner of land legally described on the attached Exhibit A (the “Subject Property”).

WHEREAS, the **PERMITTEE** has received approval from the **CITY** to subdivide the Subject Property and plat the same as BROOKFIELD 4TH ADDITION (the “Plat”).

WHEREAS, the Plat re-subdivides the Subject Property into Lots 1-15, Block 1, Lots 1-7, Block 2, Lots 1-20, Block 3, Lots 1-12 Block 4, Lots 1-3, Block 5, Lots 1-11, Block 6, Lots 1-9, Block 7, BROOKFIELD 4TH ADDITION, Anoka County, Minnesota.

THEREFORE, THE **CITY** AND THE **PERMITTEE** AGREE AS FOLLOWS:

1. Conditions of Approval. The **CITY** has approved the Plat subject to satisfaction of the following conditions subsequent:
 - a. The **PERMITTEE’S** Execution of this Agreement. That the **PERMITTEE** enter into this Agreement.
 - b. Marketable Title. That prior to recording the Plat, the **PERMITTEE** shall provide the **CITY** with proof of marketable title to the Subject Property either through a currently certified abstract, registered property abstract or title insurance commitment or policy.
 - c. Proof of Authority. That the **PERMITTEE** provide proof that the respective governing boards of the **PERMITTEE** have authorized the **PERMITTEE’S** execution of this Agreement. This proof of authority may be satisfied by providing the **CITY** with a certified copy of the minutes of the governing board of each entity which grants such authority.
2. The Plans. The term “Plans” as used in this Agreement means the Final Plat Plans prepared by Anderson Passe Associates dated August 29, 2013, as revised September 24, 2013. The Plans remain subject to: (a) **CITY** Staff’s review and approval of the September 24, 2013 revisions to, among other things, confirm that the revisions requested in the **CITY** Staff’s September 27, 2013 review letter have been made; and (b) such further revisions as the **PERMITTEE** may propose and the **CITY** approves. The Plans shall not be attached to this Agreement, but are in the **CITY’S** files.
3. Stage I Improvements. The improvements the **PERMITTEE** will construct or install are as follows:

- a. Streets
- b. Concrete curb and gutter
- c. Street traffic control devices
- d. Lot grading
- e. Sidewalks
- f. Boulevard sodding
- g. Trunk and lateral sanitary sewer
- h. Trunk and lateral water main
- i. Storm drainage facilities
- j. Trail development
- k. Electricity (within one-fourth mile)
- l. Phone (within one-fourth mile)
- m. Natural gas (within one-fourth mile)
- n. Water shut off boxes

(the “Stage I Improvements”).

The **PERMITTEE** agrees to construct the Stage I Improvements according to the terms and conditions of this Agreement and in accordance with the Plans and the **CITY** Code.

4. Additional Requirements Related to Certain Stage I Improvements. *This paragraph intentionally deleted.*
5. Lot Corner Staking. The **PERMITTEE** must install lot corner stakes at all lot corners.
6. Stage I Improvement Financial Guarantee. **NOTE: this section will be completed prior to Final Plat Approval when Construction Documents are prepared for review.** The **PERMITTEE** shall provide a financial guarantee to the **CITY** guaranteeing the construction of the Stage I Improvements and their timely completion. The **PERMITTEE** shall be responsible for a financial guarantee in the amount of _____ Dollars and No Cents (\$____.00), which amount is 125% of the **CITY** Engineer's estimated cost of the Stage I Improvements. Upon completion of Stage I Improvements (including the removal of “temporary” erosion control measures as identified in the approved Grading Plan), acceptance by the **CITY**, supported by appropriate lien waivers, The **PERMITTEE** may request a reduction in the amount of the financial guarantee.
7. Inspection Fees for the Stage I Improvements. **NOTE: this section will be completed prior to Final Plat Approval when Construction Documents are prepared for review.** The **PERMITTEE** shall provide an inspection fee to the **CITY** to inspect the Stage I Improvements. The **PERMITTEE** shall be responsible for an inspection fee in the amount of _____ Dollars and No Cents (\$____.00), which amount is 5% of the City Engineer’s estimated cost of the Stage I Improvements. The inspection fee must be in the form of a cash escrow. The **PERMITTEE** may request a refund of the remaining balance in the

escrow upon completion of the Stage I Improvements, acceptance by the **CITY**, and supported by appropriate lien waivers

8. Installation of the Stage I Improvements. NOTE: this section will be completed prior to Final Plat Approval when Construction Documents are prepared for review. The **PERMITTEE** shall obtain all necessary permits from all governmental agencies before commencing construction of the Stage I Improvements. The **PERMITTEE** must provide the **CITY** with copies of all necessary permits from other governmental agencies prior to or when the **PERMITTEE** applies for a building permit to construct improvements on a lot within the Plat. Within thirty (30) days after the completion of the Stage I Improvements and as a condition of the **CITY'S** release of the greater of the last ten percent (10%) or the last \$_____ of the security described in Section 6 above, the **PERMITTEE** shall provide the **CITY** with a complete set of reproducible "As Built" plans for the Stage I Improvements.
9. Time of Performance for the Stage I Improvements. The **PERMITTEE** must complete the Stage I Improvements within one (1) year after the recording of the Plat.
10. Ownership of the Stage I Improvements. The **PERMITTEE** owns the Stage I Improvements until the **CITY'S** acceptance of the Stage I Improvements. Title to the Stage I Improvements automatically passes to the **CITY** upon the **CITY'S** written acceptance of the Stage I Improvements. Except to the extent the **CITY** has accepted all or portions of the Stage I Improvements, in writing, prior to the lapse, expiration, or other termination of the **CITY'S** financial guaranty described in Section 6 and except to the extent the **CITY** and the **PERMITTEE** may agree, in writing, to defer the **CITY'S** acceptance of certain specified Stage I Improvements, the **CITY** is deemed to have accepted the Stage I Improvements when the **CITY** releases the financial guaranty described in Section 6 or allows such financial guarantee to lapse, expire or otherwise terminate.
11. Stage I Improvements License. The **PERMITTEE** hereby grants the **CITY** and the **CITY'S** agents, employees, officers, and contractors an irrevocable license to enter the Subject Property to perform all necessary work and/or inspections the **CITY** deems appropriate during the **PERMITTEE'S** installation of the Stage I Improvements. The license shall expire after the **CITY** accepts ownership of Stage I Improvements.
12. Stage II CITY Improvements. The future improvements the **PERMITTEE** must construct or install are as follows:
 - a. Street striping and signing
 - b. Street lights
 - c. Installation of survey monumentation.

(the “Stage II Improvements”). The **PERMITTEE** must complete the construction of the Stage II Improvements within one (1) year after the date upon which the Plat is recorded.

PERMITTEE must install the Stage II Improvements in accordance with the Plans.

13. Stage I and Stage II Improvements to Outlots. The **PERMITTEE** acknowledges that Stage I and Stage II Improvements are not being required for proposed Outlots, but will be required upon development of said Outlots.
14. Financial Guaranty for Stage II Improvements. The **CITY** does not require a financial guaranty to secure the **PERMITTEE’S** obligation to construct the Stage II Improvements.
15. Street Cleaning and Clean Up. After the street surfacing that is a part of the Stage I Improvements is installed, the **PERMITTEE** shall clear any soil, earth, or debris from the streets. From time to time, the **CITY** may remove accumulations of soil, earth, and debris from the streets resulting from the construction of the Stage I Improvements. It shall be the **PERMITTEE’S** responsibility to pay the costs associated with this necessary street cleaning. Invoices from the **CITY** to the **PERMITTEE** for such costs shall be paid within fifteen (15) days of the date of the invoice.
16. Payment of Development Fee’s. The **PERMITTEE** must pay to the **CITY** the fees described on Exhibit B which may include, but are not limited to, Park Land Dedication Fees, Trail Development Fees, Sanitary Sewer Connection (Trunk) Fees, Water Connection (Trunk) Fees, Sanitary Sewer Lateral Fees, Water Lateral Fees, Storm Management Fees, Street Light as well as Street Light Operation and Maintenance Fees.
17. Requirements for Building and Occupancy Permits.
 - a. No building permit for any lot in the Plat shall be issued until the **PERMITTEE** has: (a) installed a Class 5 driving surface to within 300 feet of the structure; (b) provided the **CITY** Building Official with a Certificate of Survey; c.) the financial guaranty described in Section 6 to the **CITY**; d.) obtained all necessary permits from the Lower Rum River Watershed Management Organization and the Anoka County Soil Conservation District and has provided a copy of each such permit to the **CITY**; and
 - b. No occupancy permit for any lot in the Plat shall be issued until the **PERMITTEE** has: (a) constructed vehicular access to the lot, including the installation of at least one layer of bituminous surfacing; (b) constructed all utilities and storm water facilities this Contract requires to serve the lot and such utilities and storm water facilities are in place, and

operational and the **CITY** has accepted those utilities and storm water facilities; (c) for lots that have a slope of less than 2%, provided the **CITY** with a certificate of grading, prepared by a licensed (State of Minnesota) professional land surveyor, certifying that the flattest grade on the lot is 1% or greater; and (d) installed and planted the sod and landscaping that are required as a part of the Stage I Improvements.

18. **PERMITTEE Defaults.** If the **PERMITTEE** defaults in the performance of one or more of the **PERMITTEE'S** obligations under this Contract, i) the **CITY** gives the **PERMITTEE** thirty (30) days written notice of the default and ii) the **PERMITTEE** fails to cure the default within said thirty (30), then the **CITY** may pursue any and all remedies available at law or in equity including, but not limited to, the following:
- a. The **CITY** may, at its option, perform or engage one or more third parties to perform the **PERMITTEE'S** obligations. If, in the reasonable judgment of the **CITY'S** staff, the **PERMITTEE'S** default creates an immediate risk to public health or safety, the **CITY** may perform or engage one or more third parties to perform the work before the **CITY** provides the notice described in the initial paragraph of this Section, but the **CITY** must use commercially reasonable efforts to notify the **PERMITTEE** as promptly as possible that the **CITY** is undertaking to perform the **PERMITTEE'S** obligation or obligations. If the **CITY** performs one or more obligations of the **PERMITTEE**, the **PERMITTEE** must reimburse the **CITY** for any costs or expenses the **CITY** incurs, including costs and expenses for **CITY** staff time, to perform the work within 30 days after the **CITY** notifies the **PERMITTEE**, in writing, of the costs and expenses the **CITY** incurred to perform the work. If the **PERMITTEE** does not reimburse the **CITY** within said 30 day period, the **CITY** may pursue any remedies available to the **CITY** either at law or in equity or, in the alternative, the **CITY** may draw on the financial guaranty the **PERMITTEE** has provided to the **CITY** pursuant to this Agreement to reimburse itself for the expenses the **CITY** incurs to perform the work. This Agreement is a license for the **CITY** to act, and it shall not be necessary for the **CITY** to seek a Court Order for permission to enter the **PERMITTEE** Property. As an alternative to seeking recovery from the **PERMITTEE** or the financial guaranty, the **CITY** may levy special assessments against the **PERMITTEE** Property in accordance with Minnesota Statutes Section 429, and the **PERMITTEE**, for itself and its successors in title, hereby expressly waives any and all substantive and procedural objections or defenses the **PERMITTEE** may have to such special assessments;

- b. The **CITY** may commence an action in Anoka County District Court to pursue any remedy available to the **CITY** at law or in equity including, but not limited to, injunctive relief;
- c. The **CITY** may refuse to grant building permits for improvements to be constructed on any lots within the Plat until the **PERMITTEE** has cured all of its defaults; and
- d. The **CITY** may draw upon all or any portion of the financial guaranty the **PERMITTEE** has provided to the **CITY** pursuant to Section 6 and (i) use all or any portion of the proceeds from the financial guaranty to reimburse the **CITY** pursuant to subsection (a) above; (ii) use all or any portion of the proceeds from the financial guaranty to satisfy any judgment the **CITY** obtains against the **PERMITTEE** pursuant to subsection (b) above; (iii) use all or any portion of the proceeds to reimburse the **CITY** pursuant to Section 19 (j) below; and (iv) hold all or any portion of the proceeds for a reasonable time for the future application as described in subsections (i), (ii) and (iii) of this Section 18(d).

19. Miscellaneous.

- a. Invalidity of Any Section. If any portion, section, subsection, sentence, clause, paragraphs or phrase of this Agreement is for any reason invalid, such decision shall not affect the validity of the remaining portion of this Agreement.
- b. Written Amendments Only. The action or inaction of the **CITY** or the **PERMITTEE** shall not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties, and approved by a resolution of the **CITY** Council. The **CITY'S** or the **PERMITTEE'S** failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.
- c. Compliance with Laws and Regulations. The **PERMITTEE** represents to the **CITY** that the Plat complies with all **CITY**, County, metropolitan, State, and Federal laws and regulations, including but not limited to: subdivision ordinances, zoning ordinances and environmental regulations. If the **CITY** determines that the Plat does not comply, the **CITY** may, at its option, refuse to allow any construction or development work in the Plat until the **PERMITTEE** does comply. Upon the **CITY'S** demand **PERMITTEE** shall cease work until there is compliance.

- d. Mailbox Locations. If the **PERMITTEE** desires to construct mailboxes within the public right of way, the **PERMITTEE** agrees that the placement of mailboxes along public streets is subject to the approval by the **CITY**. Utility locates will be necessary.
- e. Boulevard and Wetland Restoration. The **PERMITTEE** shall be responsible for the cost of establishing seed in all boulevards within thirty (30) days of the completion of the street improvements, and restoring all other areas disturbed by the development grading operation in accordance with the approved Grading and Erosion Control plan. The **PERMITTEE** shall be responsible for the cost of cleaning any soil, earth, or debris from the wetlands within and adjacent to this Plat resulting from grading performed in the development of the Plat.
- f. Construction, Hours and Entrance Signs. The **CITY** restricts construction and delivery hours to Monday through Saturday 7:00 a.m. to 10:00 p.m. The **PERMITTEE** is required to provide a sign at each entrance point stating delivery and construction operation hours. Said signs are not to exceed eighty (80) square feet in size and must be clearly visible at all times during the construction period. To the extent possible, the **PERMITTEE** shall avoid the use of Garnet Street and 168th Avenue for construction traffic.
- g. Construction Site Maintenance. The **PERMITTEE** shall adhere to all of the **CITY** ordinances relating to, but not limited to, dumping of garbage, site development, construction debris, open burning, etc. The **CITY** reserves the right to withhold permits, inspections, or certificates of occupancy to correct violations relating to construction site maintenance.
- h. Estimated Cost. It is understood and agreed that cost amounts set forth in this Agreement as to Stage I and Stage II Improvements, unless qualified as fixed amounts, are estimated. The **PERMITTEE** agree to pay the entire cost of said improvements including interest, engineering and legal fees related thereto.
- i. Plat Approval Expenses. The **PERMITTEE** agrees that it will pay to **CITY** all **CITY** expenses incurred in the approval of the Plat, including, but not limited to, administration expenses, engineering and legal fees. Said expenses incurred after recording of the Final Plat shall also be paid within said fifteen (15) day billing period. Failure to pay the **CITY'S**

expenses within the fifteen (15) day billing period will permit the **CITY** to draw upon any of the escrows required by this Agreement for payment.

- j. Reimbursement to the **CITY**. The **PERMITTEE** agree to reimburse the **CITY** for all costs incurred by the **CITY** in defense or enforcement of this Agreement, or any portion thereof, including court costs and reasonable engineering and attorney's fees.
- k. Certificate of Occupancy. The term "Certificate of Occupancy" as used in this Agreement shall be defined as a document issued by the **CITY'S** Building Official, which authorizes the structure to be used for its intended purposes.
- l. Estoppel Certificates and Certificate of Completion. Within ten (10) days after a written request from the **PERMITTEE**, the **CITY** will provide the **PERMITTEE** and any third party who is purchasing all or any portion of the Subject Property or to whom the **PERMITTEE** is granting a mortgage on all or any portion of the Subject Property with a written estoppel certificate stating: (i) that this Agreement remains in full force and effect - **or** - that this Agreement has been terminated; (ii) that this Agreement has not been modified or amended - **or, if this Agreement has been modified or amended** -, identifying such modifications or amendments; (iii) the type and amount of any security the **CITY** is holding to secure the performance of the **PERMITTEE'S** obligations under this Agreement; (iv) that, to the best of the **CITY'S** actual knowledge, the **PERMITTEE** is not in default in the performance of the **PERMITTEE'S** obligations under this Agreement - **or, if the CITY has knowledge of PERMITTEE defaults**, describing those defaults; and (v) that, to the best of the **CITY'S** actual knowledge, the **CITY** is not in default in the performance of the **CITY'S** obligations under this Agreement - **or, if the CITY has knowledge of CITY defaults**, describing those defaults. At any time that the **PERMITTEE** believes it has fully performed its obligations under this Agreement, the **PERMITTEE** may so notify the **CITY** and the **CITY** shall promptly inspect the Subject Property to determine if the **PERMITTEE** has fully performed its obligations under this Agreement. Within ten (10) days after the **CITY'S** inspection the **CITY** must provide the **PERMITTEE** with either a detailed written description of the **PERMITTEE'S** obligations which the **CITY** determines the **PERMITTEE** has not fully performed or a recordable instrument executed by the **CITY'S** mayor and **CITY** administrator evidencing the termination and satisfaction of this Agreement.
- m. Park Dedication and Trail Development. That Park Dedication and Trail Fees are satisfied by cash payment at the time of Final Plat Recording.

This Agreement includes an a Memorandum of Understanding that 21st Century Bank shall convey to the City, a trail easement from a publically accessible point within BROOKFIELD THIRD ADDITION, generally westward to the City Trail Corridor adjoining 21st Century Bank's holdings for the purpose of future construction of the Trott Brook Trail. Park Dedication and Trail Fee proceeds from the Plat will be applied to the Trott Brook Trail, with the City applying for grant funds to supplement the Park Dedication and Trail Fee 'gap' in funding the Trott Brook Trail west of the Brookfield Addition(s). The requested easement is depicted as Exhibit C, attached hereto.

- n. Drainage Easement to Block 6, BROOKFIELD THIRD ADDITION. On April 30, 2013, 21st Century Bank granted a Temporary Drainage Easement to the CITY. Said temporary easement is located on Outlot A, BROOKFIELD THIRD ADDITION and benefits Block 6, BROOKFIELD THIRD ADDITION. In the event that a phased platting scenario does not result in construction of stormwater infrastructure to replace the existing drainage swale, a new drainage easement shall be recorded encumbering said existing drainage swale. A copy of the Temporary Drainage Easement is attached as Exhibit D, attached hereto.
- o. Notices. Required notices shall be in writing, and shall be either hand delivered to the Parties, its employees or agents, or mailed to them by certified or registered mail at the following address:

TO PERMITTEE:

CAPSTONE HOMES, INC.

Attn: Barry Blaine Onufrock, Chief Executive Officer
14015 Sunfish Lake Blvd. NW
Ramsey, MN 55303

TO THE CITY:

City of Ramsey

Attn: City Administrator
7550 Sunwood Drive NW
Ramsey, MN 55303

[The remainder of this page is intentionally left blank.]

EXHIBIT A

Legal Description of the Subject Property

Outlot A, BROOKFIELD 3RD ADDITION, ANOKA COUNTY, MINNESOTA

DRAFT

EXHIBIT B

Fees Payable to the City

1. Park Dedication. The **PERMITTEE** is responsible for satisfying applicable Park Dedication requirements. The 2013 Park Dedication Fee applicable to the Plat is \$2,475 per residential unit. **PERMITTEE** must pay a Park Dedication Fee of One Hundred Ninety Thousand Five Hundred Seventy Five Dollars and No Cents ($\$2,475 \times 77 \text{ units} = \mathbf{\$190,575.00}$). The **PERMITTEE** acknowledges that these fees are estimates. The rate in effect when the Plat is recorded will be collected.
2. Trail Development Fees. The **PERMITTEE** is responsible for satisfying applicable Trail Development Fee requirements. The 2013 Trail Development Fee applicable to the Plat is \$600 per residential unit. **PERMITTEE** must pay a Trail Development Fee of Forty Six Thousand Two Hundred Dollars and No Cents ($\$600 \times 2 \text{ units} = \mathbf{\$46,200.00}$). The **PERMITTEE** acknowledges that these fees are estimates. The rate in effect when the Plat is recorded will be collected.
3. Sanitary Sewer Connection (Trunk) Fees. The Plat is subject to the Brookfield Addition Amendment to Water Main and Sanitary Sewer Cost Contribution/Reimbursement Agreement (the "Reimbursement Agreement"). Per Section 3.01 of the Reimbursement Agreement, future lots platted from outlots or other lots in Brookfield First, Second, or Third Addition will pay no Trunk Fee for each lot platted. The amount deemed reduced by the trunk fee credit will be Eighty Seven Thousand Five Hundred Forty Nine Dollars and No Cents ($\$1,137 \times 77 \text{ units} = \mathbf{\$87,549.00}$). This amount will be subtracted from the total amount to be credited to 21st Century Bank. A copy of the Reimbursement Agreement is attached as Exhibit E hereto.
4. Water Connection (Trunk) Fees. Per Section 3.01 of the Reimbursement Agreement, future lots platted from outlots or other lots in Brookfield First, Second, or Third Addition will pay no Trunk Fee for each lot platted. The amount deemed reduced by the trunk fee credit will be One Hundred Forty Eight Thousand Two Hundred Twenty Five Dollars and No Cents ($\$1,925 \times 77 \text{ units} = \mathbf{\$148,225.00}$). This amount will be subtracted from the total amount to be credited to 21st Century Bank. A copy of the Reimbursement Agreement is attached as Exhibit E hereto.
5. Sanitary Sewer Lateral Benefit Fees. The **PERMITTEE** is constructing its own lateral service lines; therefore no sanitary sewer lateral benefit fee is due.
6. Water Lateral Fees. The **PERMITTEE** is constructing its own lateral service lines; therefore no water lateral benefit fee is due.
7. Stormwater Management Fee. The **PERMITTEE** is responsible for satisfying applicable Stormwater Trunk Fee requirements. The 2013 Stormwater Management Fee \$448 per residential unit. **PERMITTEE** must pay a Stormwater

Management Fee of Thirty Four Thousand Four Hundred Ninety Six Dollars and No Cents (\$448 x 77 units = **\$34,496.00**). The **PERMITTEE** acknowledges that these fees are estimates. The rate in effect when the Plat is recorded will be collected.

8. Street Light and Street Light Operation and Maintenance Fee. *The Utility Plan will need to be updated to indicate locations of street lights in compliance with the City's Street Light Policy in order to complete this section.* The **PERMITTEE** acknowledges that these fees are estimates. The rate in effect when the Plat is recorded will be collected.
9. Development Fees for the Outlots. The **PERMITTEE** acknowledges that development fees are not being collected for any Outlots. The **PERMITTEE** acknowledges that development fees will be due upon development of Outlots at the rate in effect at the time the Plat is recorded.

DRAFT

Exhibit C
Trail Easement

DRAFT

Exhibit D

Existing Drainage Easement on Outlot A, BROOKFIELD THIRD ADDITION, Benefitting Block 6,
BROOKFIELD THIRD ADDITION

DRAFT



Record ID 2599123


GRANT OF TEMPORARY DRAINAGE EASEMENT

21st Century Bank, a Minnesota Corporation, hereby quitclaims and grants to the **City of Ramsey, a Political Subdivision** organized under the laws of the State of Minnesota, a temporary easement for drainage purposes over the land described below. This easement shall automatically terminate at such time as a plat of Outlot A, Brookfield Third Addition, Anoka County, Minnesota that embraces the easement area described below is recorded with the Anoka County Recorder. It is acknowledged by 21st Century Bank that the replat of Outlot A must address all stormwater runoff issues for Block 6, Brookfield Third Addition, along with stormwater runoff management for the land in the new plat, all to the satisfaction of the City of Ramsey.

The easement is described as follows (Abstract Property):

Beginning at the southeast corner of Lot 3 Block 6 BROOKFIELD THIRD ADDITION; thence on an assumed bearing North 60 degrees 31 minutes 34 seconds East a distance of 15.00 feet to the beginning of the centerline to be described; thence North 43 degrees 08 minutes 26 seconds West a distance of 173.61 feet; thence North 32 degrees 54 minutes 09 seconds West a distance of 77.90 feet; thence North 60 degrees 31 minutes 34 seconds East a distance of 34.61 feet; thence northeasterly a distance of 109.54 feet along a tangential curve concave to the northwest having a radius of 260.00 feet and a central angle of 24 degrees 08 minutes 22 seconds, and said centerline there terminating.


21st Century Bank


Thomas P. Dolphin, CEO

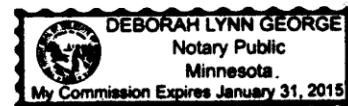
State of Minnesota)
) **ss Acknowledgment**
County of Anoka)

This instrument was acknowledged before me on April 30, 2013, by Thomas P. Dolphin, the Chief Executive Officer of 21st Century Bank, a Minnesota Corporation, on behalf of the Corporation.

Notarial Seal:


Notary Public

Drafted by: Dorn Law Firm, Ltd
9380 Central Av NE
Blaine, MN 55434



2057498.006

Exhibit E

Existing Brookfield Addition Amendment to Water Main and Sanitary Sewer Cost
Contribution/Reimbursement Agreement

DRAFT

COPY

**BROOKFIELD ADDITION
AMENDMENT TO WATER MAIN AND SANITARY SEWER COST
CONTRIBUTION/REIMBURSEMENT AGREEMENT
CITY OF RAMSEY, ANOKA COUNTY, MINNESOTA**

THIS AGREEMENT, made and entered into by the **CITY OF RAMSEY**, a Municipal Corporation under the laws of the State of Minnesota (the "**CITY**"); **OAKWOOD LAND DEVELOPMENT, INC.**, a Minnesota Corporation ("**Oakwood**"); and **21ST CENTURY BANK**, a Minnesota Corporation ("**21st**");

RECITALS

WITNESSETH:

WHEREAS, Oakwood and City are parties to the following:

**WATER MAIN AND SANITARY SEWER
COST CONTRIBUTION/REIMBURSEMENT AGREEMENT
Dated March 22, 2006
(the "WCSA")
(copy appended hereto),**

and

WHEREAS, pursuant to the WCSA, Oakwood has contributed to City the sum of \$6.0 million in performance of its obligations under Article 2 of the WCSA, and,

WHEREAS, Oakwood is now entitled to reimbursement from City under Article 3 of the WCSA, and

WHEREAS, Oakwood has assigned its rights to reimbursement under the WCSA to 21st, as contemplated by Article 3.06 of the WCSA, and

WHEREAS, 21st and City have reached agreement on numerous issues in connection with certain plats known as Brookfield First Addition, Brookfield Second Addition, and Brookfield Third Addition (collectively, "Brookfield")

NOW THEREFORE, in consideration of the foregoing and in consideration of the mutual promises herein, it is agreed by and amongst the parties hereto as follows:

1. SUBSTITUTION

21st is hereby substituted for Oakwood under Articles 3, 4 and 5 of the WCSA. Oakwood hereby assigns its interest thereunder to 21st and 21st accepts said assignment. It is acknowledged that all duties of all parties under Articles 1 and 2 of the WCSA have been fully performed, and that Oakwood contributed the sum of \$6.0 million under Section 2.01 of the WCSA. From and after the date hereof, Oakwood shall have no interest or rights under the WCSA. Where the word "Oakwood" is used herein, it shall be deemed to mean "21st" unless a different connotation is apparent.

2. DEFINITION OF TERMS – Capitalized terms as used herein shall have the definition attributed to them herein. Capitalized terms used herein that do not have a stated definition herein shall have that definition assigned to them in the WSCA.

3. AMENDMENTS TO WSCA

A. Article 3 of the WSCA is hereby deleted, and replaced by the following Article 3:

**ARTICLE 3
21st REIMBURSEMENT**

3.01 21st Reimbursement The parties acknowledge that as of the date hereof, the City has partially reimbursed Oakwood for the Oakwood Contribution in the total amount of \$ 502,204.00, through credits given in the respective Brookfield development agreements. In addition, Oakwood assigned some credits to Sweetbay Land Company, a Minnesota corporation, and an Oakwood related company. Sweetbay Land Company was given Trunk Fee credit for \$208,216.00 in the Sweetbay Ridge/City of Ramsey development agreement for Sweetbay Ridge Addition. The total amount reimbursed for the Oakwood Contribution to date is therefore \$710,420.00. The amount remaining to be reimbursed to Oakwood is therefore \$5,289,580.00. Oakwood has assigned its rights to the Oakwood Lots Reimbursement to 21st.

Future lots platted from outlots or other lots in Brookfield First, Second and or Third Addition will pay no Trunk Fees for each lot platted, the amount of the Oakwood Contribution deemed reduced by the Trunk Fee credit will be \$3,062 per lot (\$1,925 for the Water Trunk Fee and \$1,137.00 for sewer Trunk Fee). In addition, 21st is entitled to up to 91 additional water Trunk Fee credits from the current unplatted lots in Sweetbay Ridge, and up to 60 additional water Trunk Fee credits from the current unplatted lots in Harmony Farms, pursuant to Section 3.01 of the WSCA. The City shall charge the ultimate developer of the remaining unplatted lands in Sweetbay Ridge (91 lots) and Harmony Farms (60 lots) the full Trunk Fees, and remit the Water Trunk Fees to 21st at the address noted in Article 5 Section 07 in satisfaction of the credits owed to 21st for those two developments. The City will retain the sanitary sewer trunk fees for said lots. Except for the remaining unplatted area of Brookfield (as represented by platted developable outlots), City will also retain the right to all future sanity sewer trunk fees of any kind or nature.

3.02 Additional 21st Reimbursement For each lot (new or existing) connected to city water within the Northwest Service Area, Northeast Service Area (outside of Brookfield or parts thereof,) or within the Additional Oakwood Reimbursement Area, and outside of Sweetbay Ridge and Harmony Farms, 21st will receive from the City the Water Trunk Fee, payable at the time the hookup of a lot occurs, and in the manner provided by Article 5, Section 5.01. If the City increases the Water Trunk Fee, then this per/lot amount will increase by a like amount. The Water Trunk Fee reimbursement will continue until the total amount of the Oakwood Contribution credited by City to date (\$710,420.00) plus the total amount received or credited or paid from new lots created from outlots or other lots in Brookfield or current unplatted lots in Sweetbay Ridge or Harmony Farms plus the total amount received from all other lots platted or hooking up to city water in the Northwest, Northeast Service Area and the Additional Oakwood Reimbursement Area (\$1,925.00 per hookup-or as increased) totals six million dollars (\$6,000,000.00), or until December 31, 2026, whichever comes first.

It is agreed that 21st will not receive any Water Trunk Fee if the City does not receive a Water Trunk Fee as a result of an agreement with any other developer that provides for said developer to pay the cost of the extension of the water main to such developer's property which is considered a payment of the Water Trunk Fees for the lots to be developed by such developer. As further clarification of this sentence, it is anticipated that as new development occurs, the City may have to give incentives to developers to pay for the cost of extending water mains into new neighborhoods. This would normally be accomplished by not requiring the developer to pay for Water Trunk Fees up to the point where the savings from not paying Water Trunk Fees equals the cost to the developer in extending water mains. For example, in a 100/lot development, Water Trunk Fees now in effect would total \$190,250.00 at \$1,925.00 per lot. If the cost of extending the water mains in that project was \$50,000.00, the City would be permitted to give the developer in that project up to \$50,000.00 in Water Trunk Fee relief, meaning that ultimately, 21st would only receive \$140,250.00 in Water Trunk Fees from that development.

B. Article 4 of the WSCA is hereby deleted and replaced by the following Article 4.

**ARTICLE FOUR
TERM**

This Agreement shall expire on December 31, 2026, after which time 21st will receive no further Water Trunk Fees, **NOTWITHSTANDING THAT THE OAKWOOD CONTRIBUTION MAY NOT BE PAID IN FULL AS OF SAID EXPIRATION DATE.** Notwithstanding the foregoing language, if the City adopts any moratoriums on residential development prior to the expiration date, the expiration date will be extended by an amount of time equal to the duration of the moratoriums.

C. Article 5.07: Notice to Oakwood shall be changed to "Notice to 21st", as follows:

If to 21st:

Thomas P. Dolphin, CEO
21st Century Bank
9380 Central Avenue NE
Blaine, MN 55434
Email: tpd@21stcenturybank.com

With a copy to:

Wilbur F. Dorn, Jr.
Dorn Law Firm, Ltd.
9380 Central Avenue NE
Blaine, MN 55434
Email: wfd@dornlegal.com


4. No Other Changes

Except as herein modified, all other terms and conditions of the WCSA shall remain in force and effect, and all Exhibits will remain as originally affixed to the WCSA.

The following page is the signature page.

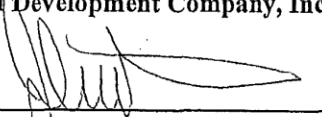
In Witness whereof, the parties have executed this agreement the dates below written:

21st Century Bank

By: 
Thomas P. Dolphin, CEO

Dated: 12-30-09

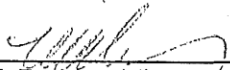
Oakwood Development Company, Inc.

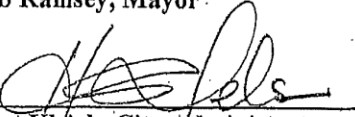
By: 
John Peterson, President

Dated: 12-18-09

City of Ramsey

Dated: 12-30-09


By: 
Bob Ramsey, Mayor

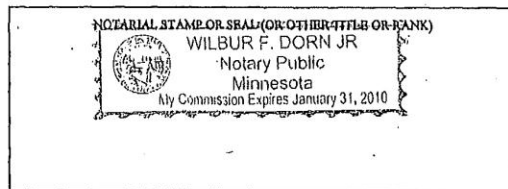
By: 
Kari Blich, City Administrator

Heidi A. Nelson, Deputy City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

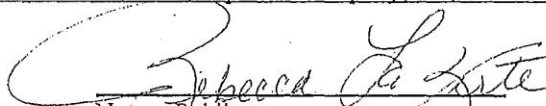
The foregoing instrument was acknowledged before me this 30th day of December, 2009, by Thomas P. Dolphin, the Chief Executive Officer of 21st Century Bank, a Minnesota corporation, on behalf of the corporation.

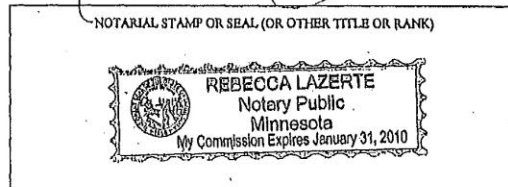

Notary Public



STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

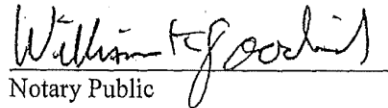
The foregoing instrument was acknowledged before me this 19th day of December, 2009, by John Peterson, President of Oakwood Development Company, Inc, a Minnesota corporation, on behalf of the corporation.

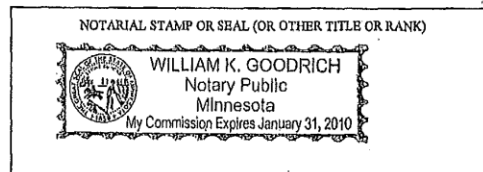

Notary Public



STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this 30th day of December, 2009 by Bob Ramsey and Heidi A. Nelson, the Mayor and Deputy City Administrator of the City of Ramsey, a Minnesota municipal corporation, on behalf of the corporation.


Notary Public



4.01.1: Planning Commission Meeting Minutes Dated September 5, 2013

Motion by Commissioner VanScoy, seconded by Commissioner Maul, to approve the following minutes as presented: Planning Commission Meeting Minutes dated September 5, 2013.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners VanScoy, Maul, Bauer, Brauer, Field, and Nosan. Voting No: None. Absent: None.

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: Consider Request for Site Plan approval for a Building Expansion on the Property Located at 6820 143rd Avenue NW; Case of Molin Concrete Products Company

Presentation

Planning Consultant Goodroad presented the staff report noting Molin Concrete Products Company was requesting Site Plan approval to begin concrete product production on site with a 10,000 square foot addition to the existing 60,092 square foot facility located at 6820 143rd Avenue NW. Staff discussed the plans in further detail and recommended the Commission approve the Site Plan contingent upon compliance with the City Staff Review File dated September 27, 2013.

Commission Business

Matt Westgard, Molin Concrete Products Company, thanked the Commission for considering his request this evening and for the thorough report from staff. He explained the intent of the building expansion would be to match the exterior of the current building.

Motion by Commissioner Bauer, seconded by Commissioner Maul, to recommend that City Council approve the Site Plan submittal contingent upon compliance with the City Staff Review File dated September 27, 2013.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Maul, Brauer, Field, Nosan, and VanScoy. Voting No: None. Absent: None.

5.02: Public Hearing: Request for Sketch Plan Review and Preliminary Plat Approval for Brookfield 4th Addition; Case of Capstone Homes

Public Hearing

Chairperson Levine called the public hearing to order at 7:15 p.m.

Presentation

Development Services Manager Gladhill introduced the staff report stating the applicant is requesting Preliminary Plat approval for Brookfield 4th Addition.

Planning Consultant Goodroad explained this plat is a continuation of the Brookfield Addition west of Nowthen Boulevard and generally north of 167th Avenue and will encompass a majority of the remaining lots from the original Preliminary Plat. The current Preliminary Plat includes seventy-seven (77) lots.

Development Services Manager Gladhill discussed the agreed upon features from the Brookfield Homeowners Association (HOA), which included landscaping along Nowthen Boulevard, within the cul-de-sac and a fountain within the water feature. He commented these amenities were not required by the City. It was noted the proposed 77 lots would have the option to participate in the HOA. He reported the City would be willing to assist in the planning of these amenities, but the maintenance and expense would be the responsibility of the HOA.

Development Services Manager Gladhill reviewed the request in further detail and recommended the Commission approve the Preliminary Plat for Brookfield 4th Addition contingent upon compliance with the Staff Review File dated September 27, 2013.

Citizen Input

This evening the attached letters were received from Joseph Newfeld, Tammy Sorens, and Christine Coocluck.

Patrick O'Brian, 6915 169th Lane, explained he has lived in the Brookfield development since 2009. He discussed the changes that have occurred to the HOA since the developer, John Peterson, went bankrupt. His main concern was that dues were now voluntary and the association had no money. It was his hope that the new developer would assist the current HOA to bring the entire development together.

Terry Rain, 6920 170th Avenue NW, commented he was hoping to see this development work. He discussed the defects in the current bylaws that needed to be repaired for legal reasons. He stated the Brookfield homeowners were willing to work with the new developer.

Ben Minks, 17024 Barium Street in Andover, explained he was looking forward to building homes in Ramsey again. He indicated he did not understand all of the legalities and costs involved in resolving the HOA's concerns. However, he was willing to work with the current homeowners to find an amicable solution.

Development Services Manager Gladhill commented that the City was willing to facilitate conversations between the HOA and the developer.

John Hood, 6920 170th Trail NW, stated he has lived in the Brookfield development for the past five years. He wanted to see his neighborhood flourish and was looking forward to resolving the bylaw issues with Mr. Minks.

Sasha Albert, 7046 170th Trail, explained she was new to Brookfield and mentioned the HOA has been discussed in detail. She requested the City more closely monitor littering, noise restrictions and the speed of traffic in her neighborhood given the high level of construction activity.

Ms. Albert questioned how the outlots near Brookfield would be developed.

Development Services Manager stated there were preliminary indications that 21st Century Bank would convey one outlot to the City for a trail connection. The additional outlot may be conveyed to the HOA, when properly licensed with the State, for future park development.

Renee Blue, 16983 Garnett Street, commented her husband mows the cul-de-sac, which keeps here portion of the neighborhood looking nice. She clarified that a covenant was recorded by the neighborhood.

Development Services Manager Gladhill indicated this covenant was recorded with Anoka County and not with the City of Ramsey. He explained that the declaration of restrictive covenants went hand in hand with the development and served as an agreement among the property owners. This document was to assist the homeowners association in managing the properties and amenities within the development.

Ms. Blue stated there has been a breakdown in communication as she was not made aware there was a homeowners association in the Brookfield neighborhood.

Development Service Manager Gladhill reported he would assist the homeowners in tracking down the documentation on file with Anoka County.

Ms. Albert was told there was no homeowners association or covenants in place when she recently purchased her home in Brookfield.

Commissioner Field was appreciative that Capstone Homes was willing to work with the homeowners on the homeowner's association issue. He indicated the homeowners would have to work to validate the association and update their bylaws.

Curt Anderson, 16784 Olivine, stated there was currently no association or park in this neighborhood. He recommended that the park be pursued by the City due to the fact 77 additional lots were being developed.

Development Services Manager Gladhill indicated park dedication requirements would be discussed by the Park Commission at their next meeting. He stated the Planning Commission could discuss this matter and comments would be passed along to the Park Commission.

Commissioner VanScoy asked if staff knew the original intent of the park for this neighborhood.

Development Services Manager Gladhill explained the park was to be developed privately.

Mr. Rain stated he has lived in Brookfield for the past six years. He explained that the association had hired an attorney in the past and there were some conflicts between the homeowners understanding and that of the bank. He indicated the association did not have the funding to hire another attorney for a second opinion. He encouraged the developer to work with the homeowners to resolve the concerns and requested the water feature remain.

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

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, VanScoy, Brauer, Field, Maul, and Nosan. Voting No: None. Absent: None.

Chairperson Levine closed the public hearing closed at 8:09 p.m.

Commission Business

Commissioner VanScoy asked if the developer had any concerns with the Staff Review letter.

Mr. Minks had no concerns with the letter.

Commissioner Field was pleased that a number of the mature trees would be maintained as a buffer for the existing residents. In addition, a trail connection would be completed with this development.

Commissioner Bauer indicated the hearing this evening brought to the surface the issues the homeowners have had with their association. He encouraged all parties to continue to work together to resolve this matter. He thanked the developer for his willingness to assist.

Commissioner Brauer recommended the water feature/pond be the responsibility of the homeowners and not the developer.

Development Services Manager Gladhill explained the water feature was a stormwater pond that benefited the entire development. He reported the City has a drainage and utility easement to provide access to the stormwater pond. He commented the homeowners would be responsible for maintaining the liner in the pond.

Commissioner Nosan questioned why the homeowners wanted to have an association in place.

Mr. Minks understood that the association would like assistance with the maintenance of the main entrance, the water feature and to complete the private park.

Brad Demry, 7224 170th Trail, indicated he was a part of the original association and wanted to see it reinstated to ensure the neighborhood was well maintained, while also putting teeth behind the original covenants.

Motion by Commissioner Field, seconded by Commissioner VanScoy, to recommend that City Council approve the Preliminary Plat for Brookfield 4th Addition contingent upon compliance with the Staff Review File dated September 27, 2013.

Further Discussion

Commissioner Brauer recommended truck traffic not run up and down Garnett Street.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Field, VanScoy, Bauer, Brauer, Maul, and Nosan. Voting No: None. Absent: None.

5.03: Receive Update on Housing Assistance Policy Progress

Presentation

Planning Consultant Goodroad presented the staff report and updated the Commission on the progress of the Housing Assistance Policy work completed by the ad-hoc sub-committee. She noted the committee has met three times over the course of the past several months with the purpose of establishing a framework in which to review requests for financial assistance for housing projects. It was noted the Council recommended a policy be created in order to ensure the City had an equitable and fiscally responsible application to housing assistance. Staff reviewed the policy in detail and requested comment from the Commission.

Commission Business

Chairperson Levine asked how the City's proposed policy compared to the policy in place by Anoka County. He recommended that the City's policy be compatible with Anoka County's.

Planning Consultant Goodroad commented most of her conversations with Anoka County were through email. It was her understanding Anoka County was working to provide assistance for the 50-60% threshold, and the City's policy would track the County's.

Commissioner Brauer supported the proposed policy.

5.04: Discuss Minnesota Department of Natural Resources (DNR) Rulemaking for Mississippi River Corridor Critical Area (MRCCA/Critical Area)

Presentation

Development Services Manager Gladhill presented the staff report noting the Minnesota Legislature authorized the Minnesota DNR to commence rulemaking related to the Mississippi

Meeting Date: 10/22/2013

By: Tim Gladhill, Community Development

Information

Title:

FOR DISCUSSION ONLY: Review Status of Mississippi River Corridor Critical Area (MRCCA/Critical Area) Rulemaking Process by Minnesota Department of Natural Resources

Purpose/Background:

The text of this case is a repeat of previous cases presented to the Planning Commission and City Council. Recent updates and schedule moving forward are located under Update in the Observations/Alternatives Section below.

In 2013, the Minnesota Legislature authorized the Minnesota Department of Natural Resources (DNR) to commence rulemaking related to the Mississippi River Corridor Critical Area (MRCCA) (the "Critical Area"). The intent is to update existing regulations found in Minnesota Statute Chapter 116G. The Critical Area extends from the Ramsey's western border south down to Hastings, stretching nearly seventy-two (72) miles and encompasses approximately thirty (30) governmental subdivisions across the metro area. It is noted that these regulations presently exist. The rulemaking process proposes to update these existing rules.

The Critical Area is an overlay district that establishes minimum development standards intended to provide protections for the Mississippi River including, but not limited to, stormwater management, bluff stabilization, and protection of scenic qualities. Minnesota Statute Chapter 116G establishes the district and requires that local government units with land use and zoning authority adopt ordinances in substantial compliance with the Statute. The local ordinance must be approved by the DNR. The local unit of government is responsible for administration and enforcement. The City adopted its original ordinance in circa-mid 1980s. A majority of Ramsey is currently classified as 'Rural Open Space' under existing rules. There are a number of existing lots and future development scenarios under the City's Comprehensive Plan that conflict with this designation.

The rulemaking project originally commenced in 2009. However, the legislative timeframe expired, and updated rules were never adopted. The 2013 Legislature revised the original scope for rulemaking and authorized a new rulemaking project. Since some time has lapsed since the 2009 process, Staff is seeking policy direction on how to approach participation in the rulemaking process. As there have been a number of years since the last discussion on this rulemaking process, this is an opportunity to bring new members up to speed on the process, and ensure that Staff brings the proper policy message forward in discussions with the DNR. One potential positive outcome is to establish land use districts that are more compatible with existing development and planned future development under the Comprehensive Plan. However, there is an opportunity that additional lawful, non-conforming structures are created due to revised rules such as setbacks. Staff will need to fully analyze the impacts to Ramsey once the final version of the draft rules are available.

The League of Minnesota Cities and Metro Cities (both organizations working with local governments) held an introductory meeting with DNR staff and local communities. A second follow up meeting is scheduled for October 24, 2013.

Observations/Alternatives:

Update

Per City Council direction, the City held a collaborative public process for Ramsey residents on Monday, September 16, 2013 to identify key issues, resources, barriers, and alternatives. The intent was not to formulate support or opposition to the draft rules; the intent of the process was to identify key policy topics to help formulate the City's policy stance. This was also an opportunity to identify where questions still remain to determine if certain concerns could or could not be mitigated moving forward. Staff is working on compiling a final summary report to be forwarded to the City Council, Planning Commission, and Environmental Policy Board (EPB) at a Joint Meeting on October 29, 2013.

The unedited comments received from that process were forwarded to the DNR on October 11, 2013. A copy of the response is attached to this case. NOTE: this is not an official statement of policy on behalf of the City; this is feedback available to date. Please see below on future City discussions that will lead to an official statement of policy and response to draft rules. It is Staff's hope that the current feedback will lead to positive changes to the current draft rules. The DNR will be hosting public Open Houses later this Fall/Winter, whereby the City will have a better understanding on the final draft rules anticipated to be forwarded to an official Rulemaking process. Key topics discussed at Ramsey's process included the following:

- Retain ability to maintain local control over land use decisions
- Retain ability to perform vegetation management
- Retain ability to perform erosion control management (i.e. rip-rap at water line)
- Seek funding opportunities to assist property owners with erosion control issues
- Ensure that lawful, non-conforming ("grandfather") rights are maintained

DNR Staff met with City Staff on Thursday, September 25, 2013. The DNR held meetings individually with each of the impacted communities. The intent of the meeting was to (as outlined by the DNR):

- Meet the staff who develop plans and administer the Critical Area ordinance
- Provide an overview of and answer questions about the rulemaking process
- Review the district map(s) for each community
- Go over the draft rules and identify opportunities to improve them
- Review current Critical Area ordinances
- Review the bluff maps that have been developed – these are for informational purposes only and are not part of the rulemaking

At the September 25, 2013 meeting (in addition to the October 11, 2013 written response), Staff forwarded the comments received by Ramsey Residents to DNR Staff and discussed opportunities and issues Ramsey currently has with the overlay district as well as the draft rules. The next step is to review, when available, the revised draft rules from the DNR to determine the true impact to Ramsey residents. Staff will inform the Council when the revised draft rules are available and of upcoming Public Open Houses hosted by the DNR.

Metro Cities and the League of Minnesota Cities are co-sponsoring a meeting for Staff and Elected/Appointed Officials on Thursday, October 24, 2013 to update corridor communities on the progress of the rulemaking process and review updates to draft rules. In order to prepare for the October 24 meeting, the DNR called for current feedback by October 11, which Staff did respond with current materials. Due to timing, Staff was not able to schedule the Joint Meeting with Planning Commission and EPB prior to the Metro Cities/League of Minnesota Cities Meeting on October 24. Please note: the official comment period has not begun, and the City will be able to comment and respond officially. The Official Comment Period is anticipated to be open during November and December, 2013.

There is the potential of lawful, non-conforming lots created with the existing rules; however, a number of existing lawful, non-conforming lots could become conforming lots with rule changes. The DNR has prepared a comparison chart, which is attached to this case. One opportunity with the current rulemaking process would be to change existing lawful, non-conforming lots to conforming lots through revised land use districts. It should be noted that a number of protections are granted to property owners that constructed structures lawfully prior to an ordinance being adopted, which are classified as lawful, non-conforming (that being that an existing structure now does not conform to a new rule that did not exist when the structure was constructed). The City derives its powers to protect

lawful, non-conforming uses and structures under Minnesota Statute 462.357. Staff is working on potential ability to further strengthen these protections based on resident feedback.

Additional information on the rulemaking process can be found at www.cityoframsey.com/shoreland.

Recommendation:

For discussion and update only.

Action:

For discussion and update only.

Attachments

[Overview of Mississippi River Corridor Critical Area Program and Rulemaking Effort](#)

[2013-2014 MRCCA Rulemaking Schedule](#)

[EXISTING Ramsey Districts](#)

[EXISTING Ramsey City Code](#)

[PROPOSED Ramsey Districts](#)

[Bluff and Steep Slope Map](#)

[DRAFT Rules for Consideration - Subject to Change](#)

[Comparison Table \(Existing Compared to Proposed\)](#)

[Current Ramsey Response](#)

Form Review

Inbox

Chris Anderson

Tim Gladhill (Originator)

Kurt Ulrich

Form Started By: Tim Gladhill

Final Approval Date: 10/17/2013

Reviewed By

Chris Anderson

Tim Gladhill

Kurt Ulrich

Date

10/16/2013 12:39 PM

10/16/2013 01:25 PM

10/17/2013 02:43 PM

Started On: 10/14/2013 07:50 AM

Overview of Mississippi River Corridor Critical Area Program and Rulemaking Effort

History of the Mississippi River Corridor Critical Area

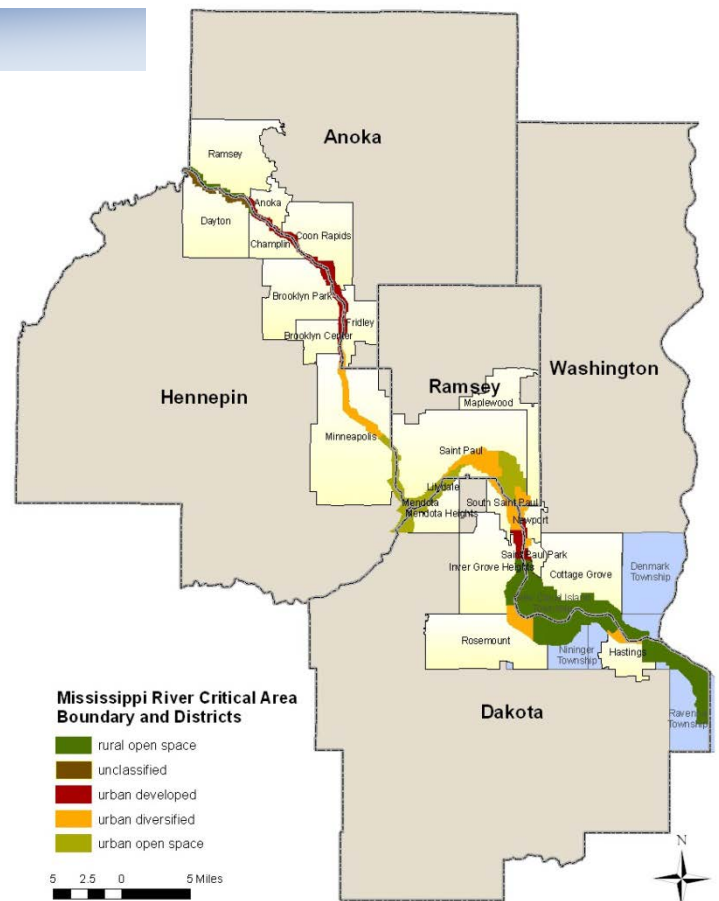
- 1973** Minnesota passes Critical Areas Act of 1973 (MN Statutes, Chapter 116G)
EQB adopts rules to implement Act (MN Rules, parts 4410.8100 – 4410.9910)
- 1976** Mississippi River and adjacent corridor designated a state critical area by Governor Wendell Anderson (Executive Order No. 130)
- 1979** Designation continued by Governor Albert Quie (Executive Order 79-19)
Metropolitan Council acts to make designation permanent (Resolution 79-48)
- 1988** Mississippi National River and Recreational Area (MNRRA) established by Congress as unit of NPS (MNRRA shares same boundary as Mississippi River Corridor Critical Area)
- 1991** MNRRA designated a state critical area per Critical Areas Act (MN Statutes, section 116G.15)
- 1995** Responsibility shifts from EQB to DNR by Governor Arne Carlson (Reorganization Order 170)
- 2007** Legislature directs DNR to prepare report on the Mississippi River Corridor Critical Area (Completed January 2008)
- 2009** Legislature amends MN Statutes, section 116G.15 and directs DNR to conduct rulemaking for the Mississippi River Corridor Critical Area (MN Laws 2009, Chapter 172, Article 2, Section 5.e.)
- 2011** DNR develops draft rule after participatory stakeholder process, but rulemaking authority lapses
- 2013** Legislature directs DNR to resume rulemaking process in consultation with local governments

Current Status

- 30 communities along corridor (21 cities, 5 counties, 4 townships) + several quasi-governmental entities. Most have adopted critical area plans and ordinances.
- EO 79-19 establishes four land use districts:
 - Rural Open Space
 - Urban Open Space
 - Urban Developed
 - Urban Diversified
- EO 79-19 establishes performance standards and guidelines for each land use district.
- Local government units (LGUs) administer and enforce a variety of regulations to meet the performance standards, which has led to general concern regarding consistency and adequacy to protect key resources and features.
- The critical area is cooperatively managed:

DNR Role: Adopts rules, reviews/approves plans and ordinances, and reviews actions requiring a public hearing.

NPS Role: Has provided funding assistance to local, regional, and state agencies; encourages LGUs to incorporate voluntary MNRRA policies



into plans; and provides stewardship, education, and historical and cultural resource protection.

Met Council Role: Reviews plans for consistency with regional policies, EO 79-19, and MNRRA policies and submits recommendation to DNR; and provides assistance to LGUs adopting or amending plans.

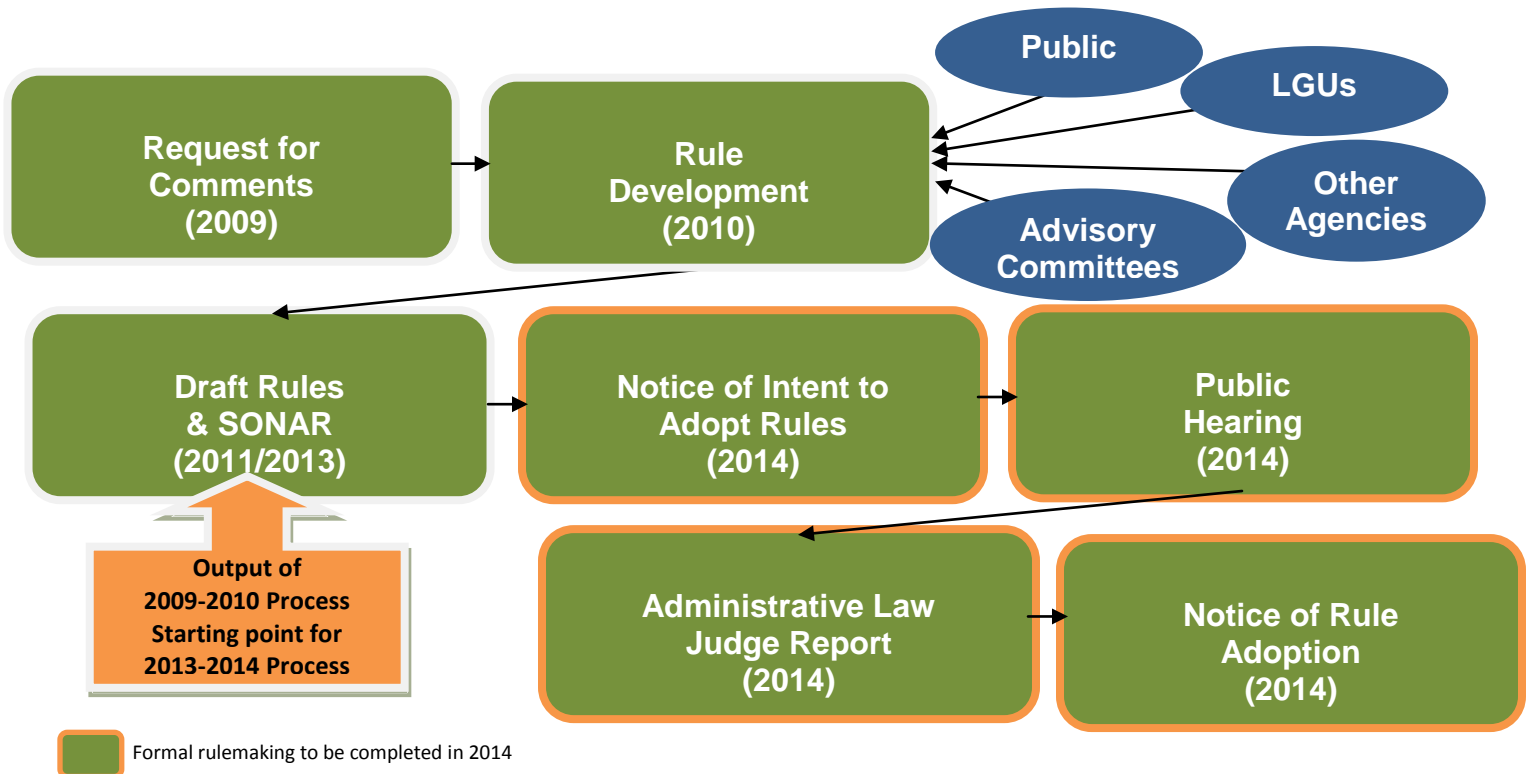
LGU Roles: Adopt DNR-approved plans and ordinances, and administer and enforce them.

Key Points of 2009 and 2013 Legislation

The legislation authorizes the DNR to adopt rules and requires the DNR to:

- establish, by rule, districts within the Mississippi River Corridor Critical Area. The DNR must:
 - determine appropriate number of districts within each municipality,
 - take into account municipal plans and policies, and existing ordinances and conditions, and
 - consider protection of key identified resources and features.
- establish, by rule, minimum guidelines and standards for the districts to protect key resources and features and use them when approving plans and regulations and reviewing development permit applications.
- consult with local governments prior to rule adoption (new in 2013).
- protect existing commercial, industrial and residential uses (new in 2013).
- 2009 legislation required preparation of a preliminary bluff map; this requirement was eliminated in 2013, but protection of bluffs and related features remains a priority.

General Overview of State Rulemaking Process (MN Statutes, Chapter 14)



The DNR will re-publish a Request for Comments in 2013 and will continue to involve local communities, interest groups, other agencies, and the public in improving and refining the draft rules. The DNR also intends to hold a public hearing as part of the formal rulemaking process. For more information, including a detailed 2013-2014 rulemaking schedule, visit the project website: http://mndnr.gov/waters/watermgmt_section/critical_area/rulemaking.html

2013-2014 MRCCA Rulemaking Schedule

Draft Rules

Output of
2009 - 2010 Process

PHASE II Public Outreach & Rule Revision

Oct 2013 – Dec 2013

Publish Request for Comments (RFC)
Nov 2013

Notify all Property Owners
Nov 2013

Public Comment Period
Nov – Dec 2013 (starts after RFC)

Meetings with Interested Parties
Nov – Dec 2013

Public Meetings & Open Houses
Nov – Dec 2013

Revise Rules Based on Comments
Nov 2013 – Jan 2014

Revise SONAR
Nov 2013 – Jan 2014

Report to Legislature
January 15, 2014

PHASE III Rule Adoption

Feb 2014 – Sep 2014

Publish Notice of Intent to Adopt Rules
with a Public Hearing
Feb 2014

Notify all Parties on Mailing List
Feb 2014

30-Day Formal Comment Period
Feb/Mar 2014 (starts after notice)

Public Hearing
Apr 2014

Respond to Comments/Rebuttal
Apr 2014

Administrative Law Judge Report
May 2014

Governor Review & Approval/Veto
Jul – Aug 2014

Adopt Rule
Sep 2014

PHASE I LGU Review

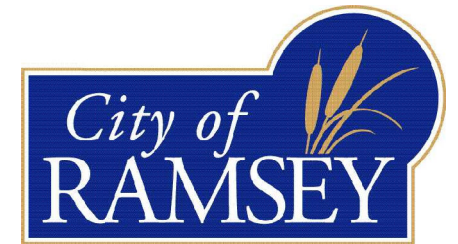
July 2013 – Sep 2013

Kick-off Meeting with LMC/Metro Cities
Jul 17, 2013

Meetings with LGUs to Identify
Opportunities for Improving Draft Rules
Aug - Sep 2013







Summarize Opportunities for
Improvement
Sep 2013

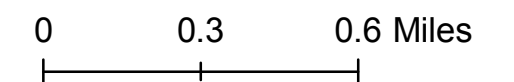
Meeting with LMC/Metro Cities to
Review Identified Opportunities
Oct 2013



Mississippi River Corridor Critical Area (MRCCA)

Existing Districts

-  Parcels
- Existing Districts**
-  rural open space
-  unclassified
-  urban developed
-  urban diversified
-  urban open space



This map has been compiled using information gathered from various governmental offices and other sources and is to be used for reference purposes only. It is neither a legally recorded map nor a survey and is not intended for use as one. The Geographic Information System (GIS) data used to develop this map is not warranted by the City as being error-free.

The City does not represent that the GIS data can be used for exact measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found, please contact (763) 427-1410.

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Sec. 117-148. - Critical River Overlay District development standards.

- (a) *Zoning provisions.* The following standards shall apply to the Critical River Area as shown on the official environmental overlay map of the city. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth herein, then the more restrictive standards shall apply:
- (1) Area standards and permitted uses for the lots located in the Critical River Area and rural service area.

	Residential District	Business District	Employment District
Lot size without public sewer any permitted use	2.5 acres*	2.5 acres	2.5 acres
Lot width without public sewer any permitted use	200 feet	200 feet	200 feet
Front yard setback without public sewer any permitted use	40 feet	40 feet	40 feet
Rear yard setback without public sewer any permitted use	35 feet	35 feet	35 feet
Side yard setback without public sewer any permitted use	10 feet	10 feet	10 feet
River setback without public sewer any permitted use	35 feet from bluff line or 200 feet from ordinary high water mark whichever is greater		
Maximum building	35 feet	35 feet	35 feet

height any permitted building			
Maximum impervious surface area permitted as percent of total lot area**	30%	30%	30%
On-site sewage treatment system setback from ordinary high water level	75 feet	75 feet	75 feet

*The underlying zoning limits the density to a maximum of one per ten acre.

**Includes all structures, surfaced roads, parking lots, and other impervious areas.

- (2) Area standards and permitted uses for the lots located in the critical river area and urban service area.

	Residential District	Business District	Employment District
Lot size with public sewer (riparian)	20,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.
Lot size with public sewer (non-riparian)	12,150 sq. ft.	20,000 sq. ft.	20,000 sq. ft.
Lot width at building line and river frontage	90 feet	125 feet	125 feet
Front yard setback	35 feet	35 feet	35 feet
Rear yard setback	35 feet	35 feet	35 feet
Side yard setback	10 feet	10 feet	10 feet
River setback any	20 feet bluff line or 100 feet from ordinary high water mark which ever is greater		

permitted use			
Maximum impervious surface area permitted as percent of total lot area.	30%	30%	30%
Maximum building height any permitted building	35 feet	35 feet	35 feet
On-site sewage treatment system setback from ordinary high water level	75 feet	75 feet	75 feet

Permitted uses: The permitted uses for the Critical River Area shall be those uses presently permitted in the respective zoning districts.

(b) *Existing uses.*

(1) *Existing structures.* Existing structures, the location or the use of which is inconsistent with this subdivision or the critical areas designation order shall not be eligible for any permit granted by the city for expansion, change of use, renewal of existing permit or building permit unless the following criteria are met:

- a. The applicant shall provide and maintain adequate screening of the structure from the water through the use of natural vegetative means.
- b. Expansion of existing structures shall be in a direction away from the riverfront.
- c. The public's ability to view the river and river corridor from existing public streets shall not be further degraded by the proposed activity.

(2) *Signs.*

- a. Advertising signs are prohibited between the flood fringe borderline and all county, state or federal highway located within 1,000 feet of the line except where the river cannot be viewed from the highway due to natural topography or existing buildings.
- b. All advertising signs permitted within the critical area outside the area set forth in subsection (b)(2)a of this section shall conform with the provisions of article II, [division 8](#) of this chapter.
 1. Views of the water from vistas and public roads shall not be impaired by the placement of business or advertising signs; and
 2. Advertising signs may be located only on the shore side of public transportation routes that are parallel and adjacent to the riverfront.

c.

All advertising signs, the location of which is not in conformance with this subdivision, are deemed nonconforming uses and shall be removed within seven years of the effective date of the ordinance from which this subdivision is derived.

(3) *Existing lots of record.*

- a. Lots of record in the office of the county register of deeds (or registrar of titles) prior to the date of enactment of the ordinance from which this subdivision is derived, which do not meet the requirements of [section 117-148\(a\)](#), may be allowed as building sites provided:
1. Such use is permitted in the zoning district;
 2. The lot is in separate ownership from abutting lands; and
 3. All other sanitary and dimensional requirements of this subdivision are complied with insofar as practical.

(c) *River crossing.*

(1) *Utility facilities.* Utility crossings of the Critical Area Corridor or routing within the corridor shall meet the following standards:

- a. Underground placing of the utility facility shall be required unless economic, technological and land characteristic factors make underground placement infeasible. Economic considerations alone shall not be made the major determinate regarding feasibility.
- b. Overhead crossings, if required, shall meet the following criteria:
1. The crossings shall be adjacent to or part of an existing utility corridor, including bridge or overhead utility lines;
 2. All structures utilized shall be as compatible as practicable with land use, scenic views and existing transmission structures in height, material, color and design;
 3. Right-of-way clearance shall be kept to a minimum;
 4. Vegetative screening shall be utilized to the maximum extent consistent with safety requirements;
 5. Routing shall avoid unstable soils, bluff lines or high ridges, the alteration of the natural environment, including grading, shall be minimized; and
 6. The crossings shall be subject to the site planning requirements set forth in [section 117-146\(d\)\(2\)](#).
- c. Utility substations. Utility substations shall be subject to the following standards:
1. All substations shall be subject to the site planning requirements set forth in [section 117-146\(d\)\(2\)](#); and
 2. New substations or refurbishment of existing substations shall be compatible in height, scale, building materials, landscaping and signing with the surrounding natural environment or land uses. Screening by natural means is encouraged and should be compatible with the surrounding environment.
- d. Pipelines. Pipelines and underground utility facilities shall be subject to the following standards:
1. All pipelines and underground facilities shall be subject to the site planning requirements set forth in [section 117-146\(d\)\(2\)](#); and

2. The facilities shall be located to avoid wetlands, woodlands and areas of unstable soils; and
 3. All underground placing of utility facilities and pipelines shall be followed by revegetation and rehabilitation to the conditions that existed on site prior to development.
 - (2) *Public and private roads and railways.* New roads and railways crossing the Critical Area Corridor or routed within the Critical Area Corridor shall meet the following standards:
 - a. Roads and railways shall be constructed to minimize impacts on the natural terrain and natural landscape.
 - b. Cuts and fills are to be avoided.
 - c. All roads and railways shall be subject to the site planning requirements set forth in [section 117-146\(d\)\(2\)](#).
 - d. New roads and railways shall not utilize the river corridor as a convenient right-of-way for new arterials or main lines.
 - e. New roads and railways shall be restricted to those facilities needed to access existing and planned residential, commercial and industrial uses.
 - f. All new roads and railways shall provide safe pedestrian crossing points to allow access to the riverfront. Rest areas, vistas and waysides shall be provided.
- (d) *Riverfront uses/access.*
 - (1) *Public property.* Public pedestrian access shall be provided to the riverfront of all public property.
 - (2) *Public pedestrian access.* Public pedestrian access shall be provided to the riverfront of developments on publicly owned and publicly controlled riverfront property whether leased to private leases or not, except where:
 - a. Unavoidable hazards exist to the public.
 - b. Public pedestrian access at a particular location cannot be designed or developed to provide a pleasant view or recreational experience.
 - c. Access to the riverfront may be denied to any person who creates a nuisance or who engages in illegal conduct on the property and public access may be temporarily or permanently closed upon a finding by the city that such offensive conduct cannot otherwise be reasonably controlled.
 - (3) *Public access, private property.* Public pedestrian access shall be provided to the riverfront for all non-water-dependent uses that are:
 - a. Commercial or industrial.
 - b. Developed as a planned unit development or requiring subdivision approval.
 - c. Access to the riverfront may be denied to any person who creates a nuisance or who engages in illegal conduct on the property and public access may be temporarily or permanently closed upon a finding by the city that such offensive conduct cannot otherwise be reasonably controlled.
 - (4) *Riverfront uses.* Riverfront uses shall be preferred in the following order:
 - a. Water dependent;
 - b. Non-water dependent with public pedestrian access; and
 - c. Non-water dependent without public pedestrian access.
- (e) *Marinas, barge fleeting areas and loading facilities.*

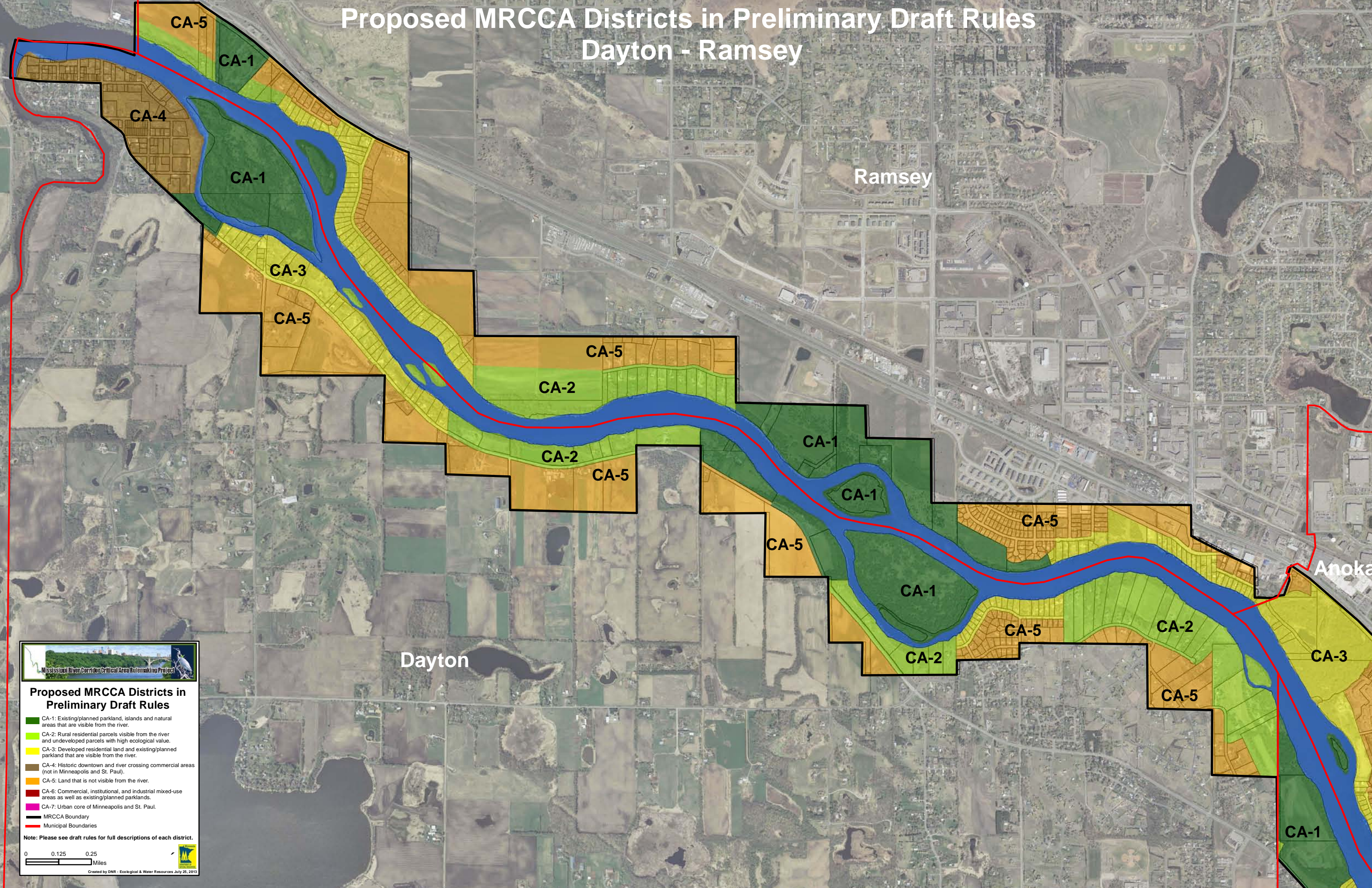
- (1) *Boat launching ramps.*
 - a. Boat launching ramps may be located only where access streets are adequate to handle the traffic load generated by the facility.
 - b. Shared or joint use accessory parking will be preferred. Loading will be permitted only at ramps. Parking areas must be screened from the river and adjoining residential property and located at least 50 feet from the normal high water mark.
 - c. The impact of the accessory parking must not adversely affect the environmental quality of the site or the surrounding neighborhood.
 - d. Boat launching ramps and minor accessory buildings and haul-off facilities must be in character and scale with the surrounding neighborhood.
- (2) *Public marinas.* Public marinas shall be permitted subject to the following conditions:
 - a. The marina must have lavatory facilities adequate to service the marina clientele.
 - b. Off-street parking areas should be provided in accordance with the requirements set forth for boat launching ramps.
 - c. Areas for the winter storing of boats should be naturally screened from view from the river and from upland lots.
 - d. The marina shall be designed for and used only by pleasure craft.
 - e. Maximum height of any buildings or structures shall be 35 feet.
 - f. Accessory uses customarily incidental to public marinas including fueling stations may be permitted providing they are consistent in scale and intensity with the marina and surrounding uses.
- (f) *Vegetation management.*
 - (1) In rural open space, urban developed and urban open space districts, the following standards shall apply:
 - a. On undeveloped islands, public recreation lands, the slope or face of bluffs, within 200 feet of the normal high water mark of the river, and within the area 40 feet landward from bluff-lines, clear cutting shall not be permitted.
 - b. On all other lands within these districts, clear cutting shall be guided by the following provisions:
 1. Any selective or clear cutting shall require an environmental permit from the city. The permittee shall submit a plan to the city showing the size and location of all trees on the site and which trees are proposed to be cut. The plan shall be drawn to an accurate scale. The permit application shall be reviewed by both the building inspector and the tree inspector;
 2. Clear cutting shall not be used where soil, slope or other water shed conditions are fragile and subject to injury;
 3. Clear cutting shall be conducted only where clear cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain;
 4. The size of clear cut blocks, patches or strips shall be kept at the minimum necessary; and
 5. Where feasible, all selective cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetation cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic

- quality of the area; and where feasible, replanting shall be performed in the same spring or the following spring.
- C. The selective cutting of trees greater than four inches in diameter may be permitted by local units of government when the cutting is appropriately spaced and staged so that a continuous natural cover is maintained.
- (2) These vegetative management standards shall not prevent the pruning and cutting of vegetation to the minimum amount necessary for the construction of bridges and roadways and for the safe installation, maintenance and operation of essential services and utility transmission services which are permitted uses.
- (9) *Administration of the Mississippi River Critical Area.*
- (1) In areas when overlapping standards are present the city council shall apply the most restrictive standards.
- (2) No development or alteration of the Critical Area shall take place without complete compliance with this chapter. All permits for conditional uses, building, sewer system construction or extension (public or private), DNR and EQB review if applicable, and variances shall be obtained prior to any construction. Variances shall be issued only upon demonstration of hardship as defined by [section 117-1](#). Failure to comply with all the standards and regulations of this chapter may be enjoined by the city council through proper legal channels. Each day a violation is permitted to exist shall constitute a separate offense.
- (3) Notification procedures and certification.
- a. Certain land use decisions which directly affect the use of land within the Mississippi Critical River Area District and involve any of the following actions must be certified by the commissioner as specified in subsection (g)(3)b of this section:
1. Adopting or amending an ordinance regulating the use of land including rezoning of particular tracts of the land.
 2. Granting a variance from a provision of this subdivision which related to the zoning dimension provision of subsection (a) of this section and any other zoning dimension provisions established in the Mississippi River Critical Area.
 3. Approving a plat that is inconsistent with the local land use code.
 4. Granting a conditional use permit for a private or commercial recreational development.
- b. Certification process.
1. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under this Code shall be sent so as to be received by the commissioner at least 30 days prior to such hearings or meetings to consider such actions. The notice of application shall include a copy of the proposed ordinances or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance, or a copy of the conditional use permit application, where applicable.
 2. The city shall notify the commissioner of its final decision on the proposed action within ten days of the decision.
 3. The action becomes effective when and only when either:

- (i) The final decision taken by the city has previously received certification of approval from the commissioner;
 - (ii) The city received certification of approval after its final decision;
 - (iii) 30 days have elapsed from the commissioner received notice of the final decision, and the city has received from the commissioner neither certification of approval nor notice of non-approval; or
 - (iv) The commissioner certifies approval within 30 days after conducting a public hearing.
4. In the case the commissioner gives notice of non-approval of an ordinance, variance, or inconsistent plat, either the applicant or the administrator may, within 30 days of said notice, file with the commissioner a demand for hearing. If the demand for hearing is not made within 30 days, the notice of non-approval shall become final.
- (i) The hearing will be held in an appropriate local community within 60 days of the demand and after at least two weeks published notice.
 - (ii) The hearing will be conducted in accordance with Minn. Stats. § 103G.311.
 - (iii) The commissioner shall either certify approval or disapproval of the proposed action within 30 days of the hearing.
5. The following recreational uses shall require certification approval by the commissioner:
- (i) Governmental campgrounds.
 - (ii) Private campgrounds.
 - (iii) Public accesses, road access type with boat launching facilities.
 - (iv) Public accesses, trail access type.
 - (v) Temporary docks.
 - (vi) Other governmental open space recreational uses.
- (4) Enforcement.
- a. It is declared unlawful for any person to violate any of the terms and provisions of this subdivision. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.
 - b. In the event of a violation or a threatened violation of this subdivision, the city or the commissioner of natural resources, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.
 - c. Any taxpayer of the city may institute mandamus proceedings in the district court to compel specific performance by the proper official of any duty required by this subdivision.

(Code 1978, § 9.21.07; Ord. No. 75-08, 6-27-1975; Ord. No. 85-02, 8-12-1985; Ord. No. 86-2, 8-25-1986; Ord. No. 88-11, 3-19-1989)

Proposed MRCCA Districts in Preliminary Draft Rules Dayton - Ramsey

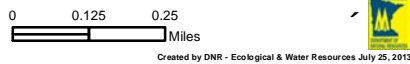


Proposed MRCCA Districts in Preliminary Draft Rules

- CA-1: Existing/planned parkland, islands and natural areas that are visible from the river.
- CA-2: Rural residential parcels visible from the river and undeveloped parcels with high ecological value.
- CA-3: Developed residential land and existing/planned parkland that are visible from the river.
- CA-4: Historic downtown and river crossing commercial areas (not in Minneapolis and St. Paul).
- CA-5: Land that is not visible from the river.
- CA-6: Commercial, institutional, and industrial mixed-use areas as well as existing/planned parklands.
- CA-7: Urban core of Minneapolis and St. Paul.

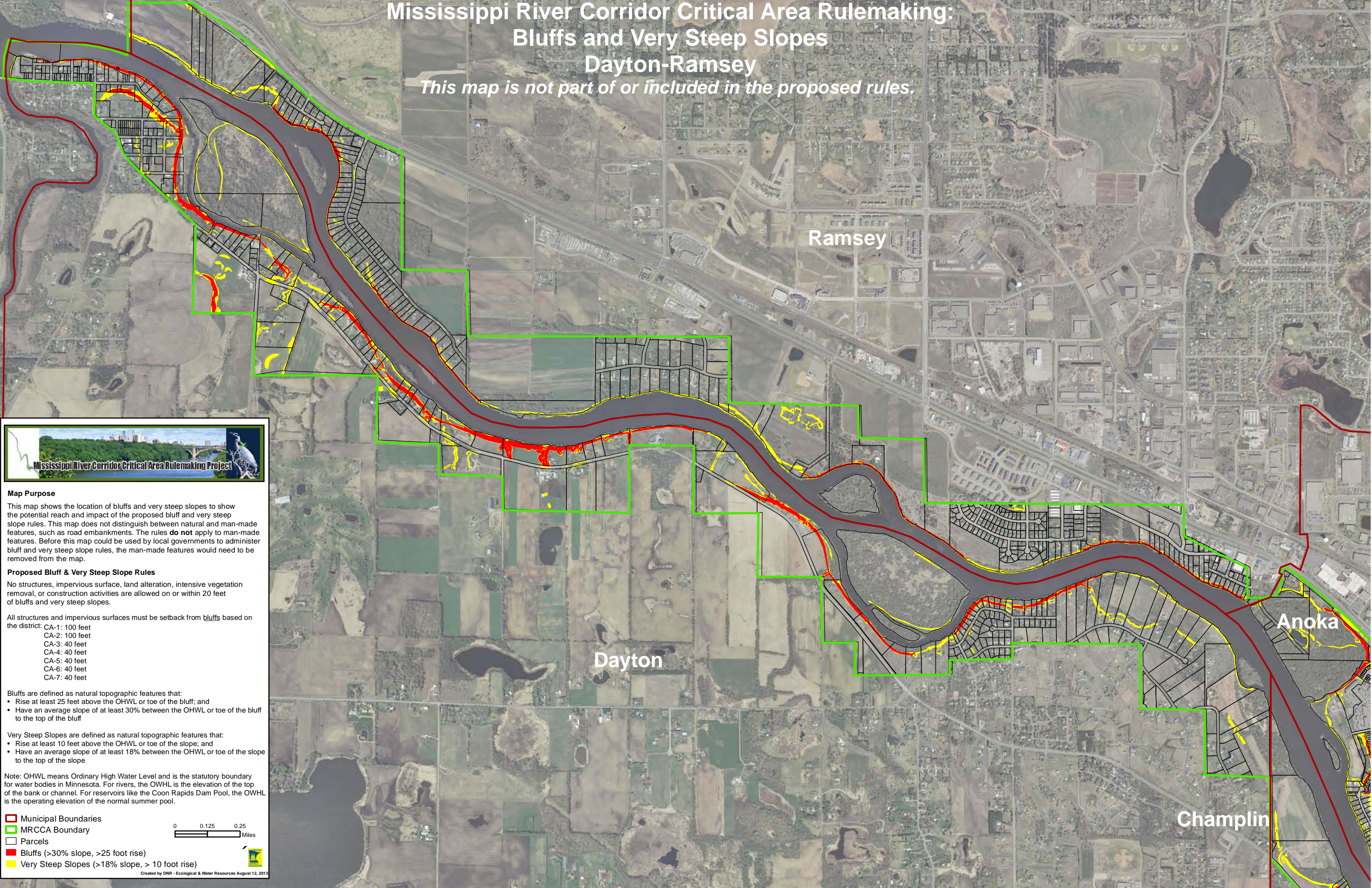
MRCCA Boundary
Municipal Boundaries

Note: Please see draft rules for full descriptions of each district.



Mississippi River Corridor Critical Area Rulemaking: Bluffs and Very Steep Slopes Dayton-Ramsey

This map is not part of or included in the proposed rules.



Map Purpose
This map shows the location of bluffs and very steep slopes to show the potential reach and impact of the proposed bluff and very steep slope rules. This map does not distinguish between natural and man-made features, such as road embankments. The rules **do not** apply to man-made features. Before this map could be used by local governments to administer bluff and very steep slope rules, the man-made features would need to be removed from the map.

Proposed Bluff & Very Steep Slope Rules
No structures, impervious surface, land alteration, intensive vegetation removal, or construction activities are allowed on or within 20 feet of bluffs and very steep slopes.

All structures and impervious surfaces must be setback from bluffs based on the district:

CA-1: 100 feet
CA-2: 100 feet
CA-3: 40 feet
CA-4: 40 feet
CA-5: 40 feet
CA-6: 40 feet
CA-7: 40 feet

Bluffs are defined as natural topographic features that:

- Rise at least 25 feet above the OHWL or toe of the bluff; and
- Have an average slope of at least 30% between the OHWL or toe of the bluff to the top of the bluff

Very Steep Slopes are defined as natural topographic features that:

- Rise at least 10 feet above the OHWL or toe of the slope; and
- Have an average slope of at least 18% between the OHWL or toe of the slope to the top of the slope

Note: OHWL means Ordinary High Water Level and is the statutory boundary for water bodies in Minnesota. For rivers, the OHWL is the elevation of the top of the bank or channel. For reservoirs like the Coon Rapids Dam Pool, the OHWL is the operating elevation of the normal summer pool.

Legend

- Red line: Municipal Boundaries
- Green line: MRCCA Boundary
- Black line: Parcels
- Red area: Bluffs (>30% slope, >25 foot rise)
- Yellow area: Very Steep Slopes (>18% slope, > 10 foot rise)

0 0.125 0.25 Miles

Created by DNR - Ecological & Water Resources August 12, 2013

Proposed Rules Relating to Mississippi River Corridor Critical Area

Explanation of commentary: Comments describe what is contained in each rule section and highlight selected provisions. The commentary also identifies provisions that are problematic due to incorrect references or poor wording.

Draft Rules	Commentary
<p>PART 6106.0010 POLICY</p> <p>It is in the interest of present and future generations to preserve and enhance the natural, aesthetic, cultural, and historical values of the Mississippi River corridor within the Twin Cities metropolitan area and protect its environmentally sensitive areas. Accordingly, the commissioner does hereby provide standards and criteria for the preservation, protection, and management of the Mississippi River Corridor Critical Area, as authorized by Minnesota Statutes, chapters 116G, 394, 462, and 473, and by Executive Order 79-19.</p>	<p><i>The policy statement establishes the overall goal of the proposed rules as authorized by state laws.</i></p>
<p>PART 6106.0020 PURPOSE</p> <p>In furtherance of the policies declared in Minnesota Statutes, chapters 116G, 394, 462, and 473, and Executive Order 79-19, the commissioner provides the following minimum standards and criteria for the subdivision, use, and development of land within the Mississippi National River and Recreation Area, which is designated the Mississippi River Corridor Critical Area. The purposes of the minimum standards and criteria are to:</p> <ol style="list-style-type: none"> A. protect and preserve the Mississippi River and adjacent lands that the legislature finds to be unique and valuable state and regional resources for the benefit of the health, safety, and welfare of the citizens of the state, region, and nation; B. prevent and mitigate irreversible damages to these state, regional, and national resources; C. preserve and enhance the natural, aesthetic, cultural, and historical values of the Mississippi River and adjacent lands for public use and benefit; D. protect and preserve the Mississippi River as an essential element in the national, state, and regional transportation, sewer and water, and recreational systems; and E. protect and preserve the biological and ecological functions of the Mississippi River corridor. 	<p><i>This part lays out the goals of the rules. MS 116G.15 designates the Mississippi National River Recreation Area (MNRRA) as a state critical area per the Critical Areas Act and identifies these five purpose statements, which come directly from EO 79-19 and MS 116G.15.</i></p>
<p>PART 6106.0030 SCOPE</p> <p>Subpart 1. Applicability. The standards and criteria for the Mississippi River Corridor Critical Area established in parts 6106.0010 to 6106.0150 pertain to public waters and to public and private lands within the river corridor boundary established by Executive Order 79-19.</p> <p>Subp. 2. Government actions. The state and all local governments, including councils, commissions, boards, districts, departments, and</p>	<p><i>This part describes the physical land area covered by the rules, the general roles and responsibilities of agencies in furthering the purpose of the rules, and the applicability of other regulations within the MRCCA.</i></p> <p><i>This subpart requires all state and local units of government with jurisdiction in the MRCCA to act in accordance with these rules.</i></p>

Draft Rules	Commentary
<p>other public authorities, shall exercise their powers so as to further the purposes of parts 6106.0010 to 6106.0150.</p> <p>Subp. 3. State land. Land owned by the state and its agencies and subdivisions shall be administered according to parts 6106.0010 to 6106.0150.</p> <p>Subp. 4. Conflicting standards. In case of a conflict between this chapter and any other rule, the more protective provision applies.</p> <p>Subp. 5. Local determination.</p> <p>A. Local governments may determine whether to administer the Minnesota statewide shoreland management standards in parts 6120.2500 to 6120.3900 within the Mississippi River Corridor Critical Area.</p> <p>B. Local governments may determine whether to administer the Minnesota wild, scenic, and recreational river rules in parts 6105.0010 to 6105.0250 and 6105.0800 to 6105.0960 within the Mississippi River Corridor Critical Area.</p> <p>Subp. 6. Superseding standards. Specific standards found in this chapter supersede Executive Order 79-19 and parts 4410.8100 to 4410.9910 for management of the Mississippi River Corridor Critical Area.</p>	<p><i>Subpart 5 was added at the request of local governments to reduce complexity and confusion on overlapping regulations. It gives local governments the option of discontinuing administration of statewide Shoreland Management within the MRCCA.</i></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>Item 5.B is no longer relevant. Dayton and Ramsey were the only two local governments within the Wild & Scenic designated portion of the Mississippi River, and both were removed from this designation by the Legislature in 2012.</i></p> </div>
<p>PART 6106.0040 SEVERABILITY</p> <p>Minnesota Statutes, section 645.20, applies to this chapter.</p>	<p><i>Severability means that if particular elements of these rules are found to be unconstitutional, the remaining provisions will continue in force as law. This is a standard clause of all rules and ordinances.</i></p>
<p>PART 6106.0050 DEFINITIONS</p> <p>Subpart 1. Scope of terms and measurement of distances. For the purposes of parts 6106.0010 to 6106.0150, the terms used have the meaning given in this part. All distances, unless otherwise specified, are measured horizontally.</p> <p>Subp. 2. Access path. "Access path" means an area designated to provide ingress and egress to public waters.</p> <p>Subp. 3. Accessory structure. "Accessory structure" means a building, structure, or improvement subordinate to and on the same lot as the principal structure or use, including sheds, storage shelters, gazebos, hot tubs, swimming pools, pole buildings, detached garages, decks, patios, and other similar structures.</p> <p>Subp. 4. Adjacent. "Adjacent" means having a boundary that physically touches or adjoins.</p> <p>Subp. 5. Aggregate extraction. "Aggregate extraction" means removal of stone, sand, gravel, or other material from the land for commercial, industrial, or governmental purposes.</p>	<p><i>Eighty-seven definitions are included in this part. Of these terms and definitions:</i></p> <ul style="list-style-type: none"> <i>• 19 refer to or are derived from Minnesota Statutes, section 116G and/or Executive Order 79-19, including: adjacent; barge fleeting area; barge slip; bluffline; developer; development; development permit; discretionary action; essential services; local government; Metropolitan plans, guides, and standards; MUSA; off-premise general advertising signs; parcel; public transportation facilities; public safety facilities; setback; steep slopes; and transmission services.</i> <i>• 23 refer to existing terms and definitions in other state statutes or another chapter of rule, including: agricultural use; conditional use; conservation easement; dock; feedlot; floodplain; interim use; lot; marina; mooring facility; nonconformity; ordinary high water level; plat; port; public waters; shoreland;</i>

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Subp. 6. **Aggregate mining.** "Aggregate mining" means construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals. Aggregate mining does not include ancillary facilities such as access roads, bridges, culverts, and water level control structures. For purposes of this subpart, "facility" includes all mine pits, quarries, stockpiles, basins, and any structures that drain or divert public waters to allow mining.

stormwater; subdivision; subsurface sewage treatment system; variance; wetland; and wharf.

- *the remaining definitions are new and clarify concepts useful in administering the rules.*

Subp. 7. **Agricultural use.** "Agricultural use" has the meaning given under Minnesota Statutes, chapter 40A.

Subp. 8. **Barge fleeting.** "Barge fleeting" means temporarily parking and securing barges on the river, on or off channel, while tows are assembled or broken up.

Subp. 9. **Bioengineering.** "Bioengineering" means use of living and nonliving plant materials, in combination with natural and synthetic support materials, for slope stabilization, erosion reduction, and vegetative establishment.

Subp. 10. **Bluff.** "Bluff" means a natural topographic feature having all of the following characteristics:

- A. a slope that rises at least 25 feet above the ordinary high water level or toe of the bluff; and
- B. the grade of the slope from the ordinary high water level or toe of the bluff to the top of the bluff averages 30 percent or greater.

The bluff definition is consistent with that in the statewide Shoreland Management rules. A bluff is a natural feature in contrast to man-made features such as highway embankments and road ditches.

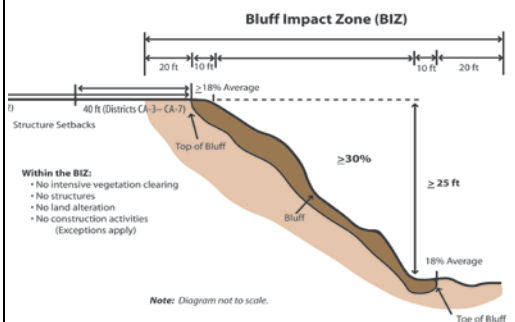
Bluff impact zone is the same definition used in the state shoreland rules.

Subp. 11. **Bluff impact zone.** "Bluff impact zone" means land on and within 20 feet of the bluff.

Bluffline is used for measuring structure setbacks.

Subp. 12. **Bluffline.** "Bluffline" means a line delineating the top of the bluff. More than one bluffline may be encountered proceeding landward from the river.

Subp. 13. **Buffer.** "Buffer" means land that is used to protect adjacent lands and public waters from development and more intensive land uses. The land is kept in a natural state that provides ecological services such as filtering runoff, controlling nutrient movement, and protecting fish and wildlife habitat. In areas of agricultural use, the land is used for less intensive agricultural purposes.



Subp. 14. **Buildable area.** "Buildable area" means the area upon which structures may be placed on a lot or parcel of land and excludes areas needed to meet setback requirements, rights-of-way, bluff impact zones, slope preservation zones, historic sites, wetlands, designated floodways, land below the ordinary high water level of public waters, and other unbuildable areas.

Subp. 15. **Certificate of compliance.** "Certificate of compliance" means a document, written after a compliance inspection, certifying that

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development is in compliance with applicable requirements at the time of the inspection.

Subp. 16. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subp. 17. **Conditional use.** "Conditional use" has the meaning given under Minnesota Statutes, chapters [394](#) and [462](#)

Subp. 18. **Conservation easement.** "Conservation easement" has the meaning given under Minnesota Statutes, chapter [84C](#).

Subp. 19. **Conservation subdivision.** "Conservation subdivision" means a pattern of subdivision that is characterized by the grouping of lots within a portion of a parcel, where the remaining portion of the parcel is permanently protected as open space. Site designs incorporate standards for low impact development.

Subp. 20. **Conventional subdivision.** "Conventional subdivision" means a pattern of subdivision that is characterized by lots that are spread regularly throughout a parcel in a lot and block design.

Subp. 21. **Deck.** "Deck" means a horizontal, unenclosed, aboveground level structure, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

Subp. 22. **Developer.** "Developer" has the meaning given under Minnesota Statutes, section [116G.03](#).

Subp. 23. **Development.** "Development" has the meaning given under Minnesota Statutes, section [116G.03](#)

Subp. 24. **Discretionary action.** "Discretionary action" means an action related to land use that requires a public hearing, such as preliminary subdivision proposals, final subdivision plats, planned unit developments, conditional use permits, interim use permits, variances, appeals, and rezonings.

Local governments asked for clarification on which actions fall under "discretionary actions".

Subp. 25. **Dock.** "Dock" has the meaning given under chapter [6115](#).

Subp. 26. **Dwelling unit.** "Dwelling unit" means a structure or portion of a structure or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motels, hotels, and resort rooms and cabins.

Subp. 27. **Electric power facilities.** "Electric power facilities" means equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy as identified and defined under Minnesota Statutes, chapter [216E](#).

Subp. 28. **Essential services.** "Essential services" means underground or overhead gas, electrical, communications, steam, or water distribution, collection, supply, or disposal systems. Essential services include poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic

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signals, hydrants, or other similar equipment and accessories in conjunction with the systems, but do not include buildings, wastewater treatment works as defined in Minnesota Statutes, chapter [115](#), or electrical generation and transmission services.

Subp. 29. **Feedlot.** "Feedlot" has the meaning given for animal feedlots under chapter [7020](#).

Subp. 30. **Floodplain.** "Floodplain" has the meaning given under chapter [6120](#).

Subp. 31. **Historic site.** "Historic site" means an archaeological site, standing structure, site, district, or other property that is:

- A. listed in the National Register of Historic Places or the State Register of Historic Sites or locally designated as a historic site;
- B. determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Sites after review by the state archeologist or the director of the Minnesota Historical Society; or
- C. an unplatted cemetery that falls under the provisions of Minnesota Statutes, chapter 307.

Subp. 32. **Impervious surface.** "Impervious surface" means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, decks, sidewalks, patios, parking lots, storage areas, and driveways, including those with concrete, asphalt, or gravel surfaces, and riprap and other hard armoring.

Local governments asked for clarification on what surfaces were considered "impervious".

Subp. 33. **Intensive vegetation clearing.** "Intensive vegetation clearing" means removal of trees or shrubs in a contiguous patch, strip, row, or block.

Subp. 34. **Interim use.** "Interim use" has the meaning given under Minnesota Statutes, chapters [394](#) and [462](#).

Subp. 35. **Land alteration.** "Land alteration" means an activity that exposes the soil or changes the topography, drainage, or cross section of the land, excluding gardening or similar minor soil disturbances.

Subp. 36. **Local government.** "Local government" means counties, municipalities, and townships and all agencies, boards, commissions, councils, and departments thereof.

Subp. 37. **Lot.** "Lot" has the meaning given under chapter [6120](#).

Subp. 38. **Lot width.** "Lot width" means the shortest distance between lot lines measured at both the ordinary high water level and at the required structure setback from the ordinary high water level for riparian lots. For nonriparian lots, the lot width is the shortest distance between side lot lines as measured at the midpoint of the longest axis

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of the lot.

Subp. 39. **Marina.** "Marina" has the meaning given under chapter [6115](#).

Subp. 40. **Metropolitan urban service area.** "Metropolitan urban service area" means the area in which the Metropolitan Council ensures that regional services and facilities under the council's jurisdiction are provided.

Subp. 41. **Mooring facility.** "Mooring facility" has the meaning given under chapter [6115](#).

Subp. 42. **Native plant.** "Native plant" means a plant that is indigenous to a particular region. In Minnesota, a plant is considered native if the plant occurred in the state at the time of the public land survey, from 1847 to 1907.

Subp. 43. **Natural state.** "Natural state" means that the condition, composition, and diversity of the plant community is substantially unaltered by humans or that restoration has been consistent with the commissioner's guidelines or the local government's approved plan.

Subp. 44. **Nonconformity.** "Nonconformity" has the meaning given under Minnesota Statutes, chapters [394](#) and [462](#).

Subp. 45. **Nonriparian lot.** "Nonriparian lot" means a lot that does not abut public waters.

Subp. 46. **Off-premise advertising signs.** "Off-premise advertising signs" means those signs that direct attention to a product, service, business, or entertainment venue that is not exclusively related to the premises where the sign is located.

Subp. 47. **Ordinary high water level.** "Ordinary high water level" has the meaning given under Minnesota Statutes, section [103G.005](#).

Subp. 48. **Parcel.** "Parcel" means a quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Subp. 49. **Patio.** "Patio" means a constructed hard surface located at ground level.

Subp. 50. **Planned unit development.** "Planned unit development" means a method of land use or development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel and by a mix of structure types and land uses. Planned unit development includes any conversion of existing structures and land uses that utilize this method of development.

Subp. 51. **Plat.** "Plat" has the meaning given under Minnesota Statutes, chapters [505](#) and [515B](#).

This definition is based on the PUD definition in the Shoreland Management rules, but makes no distinction between residential and commercial planned unit developments or types of structures. The definition also replaces the term "clustering" from EO-79-19.

Draft Rules	Commentary
<p>Subp. 52. Port. "Port" means a water transportation complex established and operated under the jurisdiction of a port authority according to Minnesota Statutes, chapter 458.</p> <p>Subp. 53. Primary conservation areas. "Primary conservation areas" means key resources and features according to Minnesota Statutes, section 116G.15, subdivision 4, paragraph (b), and includes shore impact zones, bluff impact zones, slope preservation zones, floodplains, wetlands, gorges, areas of confluence with key tributaries, natural drainage routes, unstable soils and bedrock, significant existing vegetative stands, tree canopies, native plant communities, scenic views and vistas, cultural and historic sites and structures, and publicly owned parks, trails, and open spaces.</p> <p>Subp. 54. Professional engineer. "Professional engineer" means an engineer licensed to practice in Minnesota.</p> <p>Subp. 55. Project area. "Project area" means a parcel in its entirety as proposed for development.</p> <p>Subp. 56. Public recreational facilities. "Public recreational facilities" means recreational facilities provided by the state or a local government or dedicated to public use, including scenic overlooks, observation platforms, trails, docks, fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities used for recreation. Public recreational facilities do not include buildings.</p> <p>Subp. 57. Public safety facilities. "Public safety facilities" means hydrants, fire alarm boxes, street lights, railway crossing signals, navigational structures and other aviation safety facilities, and similar facilities and accessories, but does not include buildings.</p> <p>Subp. 58. Public transportation facilities. "Public transportation facilities" means all transportation facilities provided by the state or a local government or dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.</p> <p>Subp. 59. Public utilities. "Public utilities" means electric power facilities, essential services, and transmission services.</p> <p>Subp. 60. Public waters. "Public waters" has the meaning given under Minnesota Statutes, section 103G.005..</p> <p>Subp. 61. Readily visible. "Readily visible" means development is easily seen from the ordinary high water level of the opposite shore during summer months. This occurs when the river user first looks up at the surrounding landscape and sees the development without having to look hard or long or use any magnification devices.</p> <p>Subp. 62. Resource agency. "Resource agency" means</p> <p>Subp. 63. Retaining walls. "Retaining walls" means vertical or nearly vertical structures constructed of mortar and rubble masonry, rock, or</p>	<p><i>The purpose of this definition is to clearly identify key resources and features to protect as land is developed or redeveloped. The term is used in several parts of the rules, including the standards for subdivision and open space, to ensure that key resources and features are given priority consideration for protection as open space.</i></p> <p><i>"Readily visible" provides a performance standard in response to requests by local governments and other stakeholders to clarify visual standards.</i></p> <div style="border: 1px solid black; padding: 5px; background-color: #f0f0f0;"> <p><i>"Resource agency" was added by the Revisor's Office because it is used in rule text. It needs to be defined.</i></p> </div>

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stone regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials.

Subp. 64. **Riparian lot.** "Riparian lot" means a lot that abuts public waters.

Subp. 65. **Riprap.** "Riprap" means coarse stones, boulders, cobbles, broken rock or concrete, or brick materials placed or constructed to create an irregular surface against the slope of the existing bank of a public water and other steep slopes, very steep slopes, or bluffs.

Subp. 66. **River-dependent commercial and industrial use.** "River-dependent commercial and industrial use" means use of land for commercial or industrial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business, such as barge facilities, ports, and marinas.

Subp. 67. **Setback.** "Setback" means a separation distance measured horizontally.

Subp. 68. **Shore impact zone.** "Shore impact zone" means land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent of the required structure setback or 50 feet landward of the ordinary high water level in areas of agricultural use.

Subp. 69. **Shoreline facilities.** "Shoreline facilities" means facilities that require a location adjoining public waters for ingress and egress, loading and unloading, and public water intake and outflow, such as barge facilities, port facilities, commodity loading and unloading equipment, watercraft lifts, marinas, short-term watercraft mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a shoreline location, but do not require a location adjoining public waters as part of their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

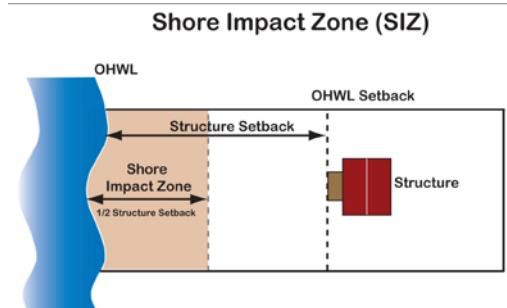
Subp. 70. **Shoreline recreational use area.** "Shoreline recreational use area" means the area within the shore impact zone where vegetation in a natural state need not exist.

Subp. 71. **Slope preservation zone.** "Slope preservation zone" means land on and within 20 feet of a very steep slope.

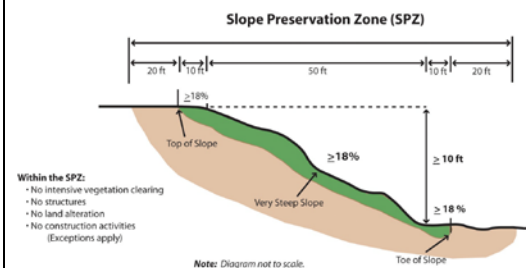
Subp. 72. **Steep slope.** "Steep slope" means a natural topographic feature with an average slope of 12 to 18 percent, measured over a horizontal distance equal to or greater than 50 feet.

Subp. 73. **Storm water.** "Storm water" has the meaning given under chapter [7090](#).

Subp. 74. **Structure.** "Structure" means a building, sign, or appurtenance thereto, except for aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including



Shoreline facilities are river-dependent and need a riverfront location, consistent with the economic purposes of the river corridor as described in EO 79-19. The term is used in several parts of the draft rules, including the design standards for river-dependent commercial and industrial uses, and the list of exceptions to OHWL setbacks.



- No intensive vegetation clearing
- No structures
- No land alteration
- No construction activities (Exceptions apply)

Note: Diagram not to scale.

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<p>towers, poles, and other supporting appurtenances.</p> <p>Subp. 75. Subdivision. "Subdivision" has the meaning given under Minnesota Statutes, chapter 462.</p> <p>Subp. 76. Subsurface sewage treatment system. "Subsurface sewage treatment system" has the meaning given under chapter 7080.</p> <p>Subp. 77. Suitable area. "Suitable area" means the area remaining on a lot or parcel of land after shore impact zones, bluff impact zones, slope preservation zones, roads and rights-of-way, historic sites, wetlands, designated floodways, and land below the ordinary high water level are excluded.</p> <p>Subp. 78. Toe of the bluff. "Toe of the bluff," as associated with a bluff, means the lower point of the lowest horizontal ten-foot segment with an average slope exceeding 18 percent.</p> <p>Subp. 79. Toe of the slope. "Toe of the slope" means the lower point of the lowest horizontal ten-foot segment with an average slope exceeding 18 percent.</p> <p>Subp. 80. Top of the bluff. "Top of the bluff," as associated with a bluff, means the higher point of the highest horizontal ten-foot segment with an average slope exceeding 18 percent.</p> <p>Subp. 81. Top of the slope. "Top of the slope" means the higher point of the highest horizontal ten-foot segment with an average slope exceeding 18 percent.</p> <p>Subp. 82. Transmission services. "Transmission services" means:</p> <ul style="list-style-type: none"> A. electric power lines, cables, pipelines, or conduits that are: (1) used to transport large blocks of power between two points, as identified and defined under Minnesota Statutes, chapter 216; and (2) for mains or pipelines for gas, liquids, or solids in suspension, used to transport large amounts of gas, liquids, or solids in suspension between two points; and B. telecommunication lines, cables, pipelines, or conduits. <p>Subp. 83. Variance. "Variance" has the meaning given under Minnesota Statutes, chapters 394 and 462.</p> <p>Subp. 84. Very steep slope. "Very steep slope" means a natural topographic feature having all of the following characteristics:</p> <ul style="list-style-type: none"> A. the slope rises at least ten feet above the ordinary high water level or toe of the slope; and B. the grade of the slope from the ordinary high water level or toe of the slope to the top of the slope averages 18 percent or greater. <p>Subp. 85. Water access ramp. "Water access ramp" means a ramp, road, or other conveyance that allows launching and removal of a boat</p>	<p><i>Protection of slopes over 18% was required by EO 79-19</i></p>

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<p>with a vehicle and trailer.</p> <p>Subp. 86. Water-oriented accessory structure. "Water-oriented accessory structure" means a small building or other improvement, except stairways, fences, docks, and retaining walls, that, because of the relationship of its use to public waters, reasonably needs to be located closer to public waters than the normal structure setback. Examples include gazebos, screen houses, fish houses, pump houses, and detached decks and patios.</p> <p>Subp. 87. Wetlands. "Wetlands" has the meaning given under Minnesota Statutes, section 103G.005.</p> <p>Subp. 88. Wharf. "Wharf" has the meaning given under chapter 6115.</p>	<p><i>This term identifies structures that are commonly constructed closer to the river than most structures. These types of accessory structures are listed as an exception to OHWL setbacks in the dimensional standards.</i></p>
<p>PART 6106.0060 ADMINISTRATION</p>	<p><i>This part lays out the specific roles, responsibilities, and procedures for administering the rules. Many provisions are relatively unchanged from MS 116G.15, EO 79-19 and/or MR 4410.</i></p>
<p>Subpart 1. Terms and time frames. For the purposes of this part:</p> <ul style="list-style-type: none"> A. the terms "plan," "ordinance," and "plan and ordinance" mean Mississippi River Corridor Critical Area plans and ordinances, and updates or amendments thereto, prepared to implement parts 6106.0010 to 6106.0150; B. if plans and ordinances prepared under item A refer to underlying land use or zoning, then the underlying land use and zoning documents must be submitted and considered in combination with these plans and ordinances, and together must substantially comply with parts 6106.0010 to 6106.0150; and C. time frames are measured in calendar days. 	<p><i>This subpart clarifies which plans and ordinances are affected by these rules, the role that underlying zoning plays, and the timeframes for specific actions.</i></p> <p><i>"Plans" refer to those elements of each city's comprehensive plan (or stand-alone plan) that deal with land use within the MRCCA.</i></p> <p><i>"Ordinances" are those ordinances that specifically regulate land use activity within the MRCCA.</i></p> <p><i>This clarification in timeframes was requested by local governments.</i></p>
<p>Subp. 2. Responsibilities and authorities. The standards and criteria for the Mississippi River Corridor Critical Area established in parts 6106.0010 to 6106.0150 must be adhered to by:</p> <ul style="list-style-type: none"> A. the commissioner for reviewing and approving plans and ordinances and reviewing discretionary actions; B. the Metropolitan Council for reviewing plans and ordinances; C. local governments when preparing, updating, or amending plans and ordinances and reviewing and approving discretionary actions; and D. state and regional agencies for permit regulation and plan development within an agency's jurisdiction. 	<p><i>This subpart explains the roles and responsibilities of the DNR, the Metropolitan Council, and local units of government. These three bodies have distinct responsibilities related to plans, ordinances and discretionary actions. (Discretionary actions refer to actions requiring a public hearing.) This is unchanged from EO 79-19.</i></p>
<p>Subp. 3. Substantial compliance. Local governments within the Mississippi River Corridor Critical Area shall adopt, administer, and enforce plans and ordinances in substantial compliance with parts</p>	<p><i>This subpart states that local governments are responsible for implementing these rules on the ground. This is unchanged from</i></p>

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<p>6106.0010 to 6106.0150. Plans and ordinances must be submitted to the Metropolitan Council for review and must be approved by the commissioner before they are adopted as provided under subpart 11.</p>	<p><i>EO 79-19.</i></p> <p><i>The concept of “substantial compliance” is new to the MRCCA and provides local governments with flexibility to negotiate methods that satisfy the purpose of the rules without being in strict conformance with the rules. The method for pursuing flexibility is covered in subpart 11, item J, below.</i></p> <p><i>This approach to flexibility is used in the state shoreland rules.</i></p>
<p>Subp. 4. Greater restrictions.</p> <p>Nothing in parts 6106.0010 to 6106.1050 shall be construed as prohibiting or discouraging a local government from adopting and enforcing plans and ordinances that are more restrictive than parts 6106.0010 to 6106.0150.</p>	<p><i>This subpart clarifies that local governments may adopt regulations that are stricter than the rules. This clarification was sought by local governments and other stakeholders.</i></p>
<p>Subp. 5. Adoption schedule.</p> <p>A. In consultation with the Metropolitan Council, the commissioner shall prepare a notification schedule for local governments to prepare or amend plans and ordinances.</p> <p>B. Within the time frames provided under subpart 11, local governments must prepare or amend plans and ordinances to substantially comply with parts 6106.0010 to 6106.0150.</p> <p>C. All plans and ordinances adopted by local governments pursuant to Executive Order 79-19 and chapters 6105 and 6120 that are in existence on the effective date of this chapter remain in effect and shall be enforced until plans and ordinances are amended in substantial compliance with parts 6106.0010 to 6106.0150, approved by the commissioner, and adopted by the local government as provided under subpart 11.</p> <p>D. Where a local government has not adopted plans and ordinances, development shall continue to be governed by the interim development regulations in Executive Order 79-19, until such time as plans and ordinances that substantially comply with parts 6106.0010 to 6106.0150 are approved by the commissioner and adopted by the local government as provided under subpart 11.</p> <p>E. The adoption of plans and ordinances in substantial compliance with parts 6106.0010 to 6106.0150 do not in any way limit or modify the rights of a person to complete a development that is authorized as provided under Minnesota Statutes, section 116G.13.</p>	<p><i>This subpart clarifies that, once promulgated, these rules won’t take effect immediately; local governments won’t be required to prepare or amend plans and ordinances until notified by DNR, and will be given a reasonable amount of time to do so. Existing local plans and ordinances remain in effect until new plans and ordinances are approved by the DNR.</i></p> <p><i>Item D pertains to the cities of Brooklyn Center and Hastings, which currently do not have approved MRCCA ordinances in place and are subject to the interim development regulations in EO-79-19.</i></p> <p><i>Item E clarifies that land use applications and projects approved by a local government prior to the adoption of ordinances for compliance with this rule may be completed as approved.</i></p>
<p>Subp. 6. Duties of commissioner.</p> <p>A. The commissioner must consult with the United States Army</p>	<p><i>This subpart details the specific duties of the DNR in administering the rules.</i></p>

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<p>Corps of Engineers, National Park Service, Metropolitan Council, and other agencies and local governments to ensure that the Mississippi River Corridor Critical Area is managed as a multipurpose resource in a way that:</p> <ol style="list-style-type: none"> (1) conserves the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor; (2) maintains the river channel for transportation by providing and maintaining barging and fleeting areas in appropriate locations consistent with the character of the Mississippi River and riverfront; (3) provides for the continuation and development of a variety of urban areas, including industrial, commercial, and residential uses, where appropriate, within the Mississippi River Corridor Critical Area; (4) utilizes certain reaches of the river as a source of water supply and as a receiving water for properly treated sewage, storm water, and industrial waste effluents; and (5) protects and preserves the biological and ecological functions of the Mississippi River Corridor Critical Area. <p>B. The commissioner shall provide advice and assistance to local governments and agencies in the Mississippi River Corridor Critical Area during the development, adoption, administration, and enforcement of plans and ordinances, consistent with the purposes in part 6106.0020, and specifically shall:</p> <ol style="list-style-type: none"> (1) develop model ordinances; (2) review and approve final draft plans and ordinances before adoption by a local government as provided under subpart 11. If requested by a local government, the commissioner shall review preliminary draft plans and ordinances and provide comments to assist the local government in complying with parts 6106.0010 to 6106.0150; and (3) consult with agencies identified in subpart 10 to ensure that the agencies administer lands and programs under the agencies' jurisdictions consistent with parts 6106.0010 to 6106.0150. <p>C. To aid in the fulfillment of the state's role to preserve and protect the Mississippi River Corridor Critical Area and to monitor the administration and enforcement of Mississippi River Corridor Critical Area ordinances, the commissioner may:</p> <ol style="list-style-type: none"> (1) review decisions concerning discretionary actions under Mississippi River Corridor Critical Area 	<p><i>This item states that the DNR must consult with other agencies and LGUs to ensure the corridor is managed as a multipurpose resource.</i></p> <p><i>Item B outlines how the DNR will assist local governments in complying with the rules.</i></p> <p><i>Item C outlines options the DNR may use to assess and improve local government performance in administering the rules.</i></p>

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<p>ordinances;</p> <ol style="list-style-type: none"> (2) evaluate local government actions and overall implementation and enforcement of Mississippi River Corridor Critical Area ordinances to ensure compliance with the state's minimum standards and criteria; (3) periodically report to local governments on potential deficiencies and achievements; (4) develop model plans; (5) develop materials for local governments to use in educational and marketing efforts that encourage the use of best management practices specified in parts 6106.0010 to 6106.0150; (6) develop model mitigation measures or systems for common conditions for local governments to use as provided under subpart 17; and (7) develop training programs for parts 6106.0010 to 6106.0150 and for the use of model ordinances. <p>D. If, after review, the commissioner determines that a local government has failed to adopt, administer, or enforce plans and ordinances in substantial compliance with parts 6106.0010 to 6106.0150, the commissioner may:</p> <ol style="list-style-type: none"> (1) adopt plans and ordinances for a local government that has failed to do so as provided under subpart 11, item G; (2) appeal the actions of a local government to the courts as provided under Minnesota Statutes, chapters 116G, 394, and 462, as applicable; (3) reduce or eliminate a local government's eligibility for grant programs administered by the commissioner; and (4) initiate judicial proceedings to compel specific performance by a local government of any duty required under parts 6106.0010 to 6106.0150 or under any plans and ordinances adopted according to parts 6106.0010 to 6106.0150. <p>The commissioner may seek reimbursement from the local government for any costs incurred to implement item D, subitem (1).</p>	<p><i>Item D outlines options the DNR may use to enforce local government compliance with the rules.</i></p>
<p>Subp. 7. Duties of Metropolitan Council. The Metropolitan Council must:</p> <ol style="list-style-type: none"> A. incorporate the standards and criteria in parts 6106.0010 to 6106.0150 into the council's planning processes; B. work with local governments and the commissioner to ensure that the standards and criteria in parts 6106.0010 to 106.0150 are being adopted and implemented; C. be the lead agency to coordinate the preparation, submission, 	<p><i>Duties of the Met Council are described in this subpart. The Met Council is responsible for reviewing plans and ordinances and providing recommendations to the DNR for approval of plans and ordinances. These duties are unchanged from EO 79-19.</i></p>

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<p>review, and modification of plans and ordinances that are prepared by local governments as provided under subpart 11; and</p> <p>D. provide written comments and recommendations to the commissioner on all proposed plans and ordinances submitted by local governments, within the time frames provided under subpart 11, item B.</p>	
<p>Subp. 8. Duties of local governments. Local governments must:</p> <p>A. prepare or amend plans and ordinances to meet or exceed the minimum standards and criteria in parts 6106.0010 to 6106.0150 and as provided under subpart 11;</p> <p>B. submit proposed plans and ordinances that affect lands within the boundaries of the Mississippi River Corridor Critical Area to the Metropolitan Council for review and subsequent review and approval by the commissioner, before adoption as provided under subpart 11;</p> <p>C. adopt, administer, and enforce plans and ordinances as provided under subpart 3;</p> <p>D. send notice of public hearings to consider plans and ordinances and development requiring discretionary action affecting lands within the boundaries of the Mississippi River Corridor Critical Area to the following parties so that the parties receive the notice at least ten days before the public hearing:</p> <p style="padding-left: 40px;">(1) the commissioner, in a format prescribed by the commissioner. Notices to the commissioner for discretionary actions must also include a copy of the completed application, the site plan as provided under subpart 13, and any other relevant information;</p> <p style="padding-left: 40px;">(2) the National Park Service; and</p> <p style="padding-left: 40px;">(3) adjoining local governments, including those with overlapping jurisdiction and those across the river; and</p> <p>E. send notice of final decisions for actions under item D, including findings of fact, within ten days following the final decision, to those parties listed under and in the manner prescribed by item D.</p>	<p><i>This subpart outlines LGU responsibilities:</i></p> <ul style="list-style-type: none"> • <i>Updating plans and policies for consistency with the rules.</i> • <i>Updating ordinances for consistency with the rules</i> • <i>Reviewing and approving discretionary actions consistent with their ordinance and plans.</i> <p><i>Item D details the specific notification requirements.</i></p> <p><i>Local governments requested that notification of adjoining local governments be added to the notification list.</i></p> <p><i>Notification within 10 days of action is required by MS 116G.15.</i></p>
<p>Subp. 9. Duties of townships and counties.</p> <p>A. According to subpart 8, townships must prepare or amend plans and ordinances in substantial compliance with parts 6106.0010 to 6106.0150, under the authority of Minnesota Statutes, chapters 394, 462, and 473.</p> <p>B. According to subpart 8, counties must prepare or amend plans, and may prepare ordinances in substantial compliance</p>	<p><i>This subpart applies to four townships (Denmark, Grey Cloud Island, Nininger, and Ravenna) and two counties (Washington and Dakota) that have land use authority within the MRCCA. It describes the responsibilities and notification requirements of townships and counties.</i></p>

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<p>with parts 6106.0010 to 6016.0150, under the authority of Minnesota Statutes, chapters 394 and 473. If a county has adopted ordinances under this part:</p> <ol style="list-style-type: none"> (1) a township's plan and ordinances must be consistent with or more restrictive than the plan and ordinances adopted by the county in which the township is located as provided under Minnesota Statutes, chapter 394; (2) a township must provide for administration and enforcement of Mississippi River Corridor Critical Area ordinances in a manner that is at least as effective as the respective county's implementation; and (3) a township may adopt a county's ordinances by reference. 	<p><i>Township regulations must be at least as restrictive as the counties they are in.</i></p> <p><i>Since a county and township may have concurrent or overlapping jurisdiction, a township could adopt a county's ordinance by reference.</i></p>
<p>Subp. 10. Duties of other agencies.</p> <p>An agency owning and managing lands within the Mississippi River Corridor Critical Area shall manage the lands under the agency's ownership consistent with parts 6106.0010 to 6106.0150. For purposes of this subpart, "agency" means the Metropolitan Airports Commission, University of Minnesota, National Park Service, United States Army Corps of Engineers, Department of Natural Resources, Metropolitan Council, Minneapolis Park and Recreation Board, Three Rivers Park District, Department of Transportation, Anoka-Ramsey Community College, watershed management organizations as established under Minnesota Statutes, chapter 103B, watershed districts as established under Minnesota Statutes, chapter 103D, or any other federal, state, or local general or special purpose unit of government.</p>	<p><i>This subpart describes the duties for all special units of government or government agencies. This is unchanged from EO 79-19.</i></p>
<p>Subp. 11. Preparation, review, approval, and adoption of plans and ordinances.</p> <ol style="list-style-type: none"> A. Within one year of notification from the commissioner under subpart 5, local governments must prepare or amend plans and ordinances and formally submit a draft of these documents to the Metropolitan Council and the commissioner for review. Local governments may propose ordinance standards that are not in strict conformity with parts 6106.0010 to 6106.0150 as provided under items J and K. Local governments may submit preliminary draft plans and ordinances to the commissioner for informal review prior to formal submission to the Metropolitan Council. Upon a formal written request from the local government, the commissioner may grant an appropriate extension of time when the commissioner determines that the local government is making a good faith effort to meet the submittal deadline. B. Within 45 days of receiving draft plans and ordinances from 	

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local governments as provided under item A, the Metropolitan Council must review the draft plans and ordinances for consistency with regional objectives, parts 6106.0010 to 6106.0150, and Minnesota Statutes, chapter 116G; submit the council's written evaluation, copies of the draft plans and ordinances reviewed, and any other relevant materials to the commissioner; and provide a copy of the submission to the National Park Service. Upon a formal written request from the Metropolitan Council, the commissioner may grant an appropriate extension of time when the commissioner determines that the Metropolitan Council requires more time for review.

- C. Within 45 days of receiving a written evaluation of draft plans and ordinances from the Metropolitan Council as provided under item B, or revised draft plans and ordinances as provided under item D, the commissioner must review the draft plans and ordinances to determine their consistency with parts 6106.0010 to 6106.0150 and Minnesota Statutes, chapter 116G. Upon completing the review, the commissioner must take one of the following two actions and provide a copy of the decision to the Metropolitan Council and the National Park Service:
 - (1) approve the draft plans and ordinances by written decision and notify the local government; or
 - (2) return the draft plans and ordinances to the local government for modification, with a written explanation of the need for modification as provided under item D.
- D. When the commissioner returns a draft plan and ordinances to the local government for modification, the commissioner must provide a written explanation of the deficiencies of the draft plan and ordinances that need to be corrected by the local government before the commissioner can approve the draft plan and ordinances. Within 60 days of the receipt of the commissioner's written explanation, the local government must revise the draft plan and ordinances consistent with the instructions of the commissioner and resubmit the revised draft plan and ordinances to the commissioner. If requested by the local government or the Metropolitan Council, a final revision need not be made until a formal meeting has been held with the commissioner on the draft plan and ordinances. If, in the opinion of the commissioner, the local government is making a good faith effort to complete the modifications in a timely manner, the commissioner may grant an appropriate extension of time. Upon receiving the revised draft plan and ordinances from the local government, the commissioner shall conduct the review as provided under item C.

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<p>E. Within 45 days of receiving the commissioner's approval of a draft plan and ordinances, the local government must adopt the commissioner-approved draft plan and ordinances and submit a copy of the final adopted plan and ordinances, with evidence of adoption, to the commissioner, the Metropolitan Council, and the National Park Service. Plans and ordinances prepared according to this part become effective when adopted by the local government or upon such date as the commissioner may provide in the written order adopting the plans and ordinances as provided under item G.</p> <p>F. Local governments must enact, for lands within the Mississippi River Corridor Critical Area, only those plans and ordinances that have the written approval of the commissioner. Once in effect, the local government must implement and enforce the commissioner-approved plans and ordinances.</p> <p>G. If a local government fails to prepare and submit a draft plan and ordinances within one year of notification as provided under item A, fails to incorporate modifications that are acceptable to the commissioner as provided under item D, or fails to adopt commissioner-approved plans or ordinances as provided under item E, the commissioner must:</p> <ol style="list-style-type: none"> (1) prepare plans and ordinances in substantial compliance with parts 6106.0010 to 6106.0150 within 90 days of the deadline for preparation or adoption of plans and ordinances as provided under items A to E or the end date of an extension of time approved by the commissioner as provided under item D; (2) conduct a public hearing as provided by Minnesota Statutes, chapter 14, and other statutes as applicable; (3) within 60 days of the conclusion of the public hearing, adopt the plans and ordinances for the local government's portion of the Mississippi River Corridor Critical Area by written order; and (4) give notice of the adopted plans and ordinances to the affected local government, the Metropolitan Council, and the National Park Service. <p>H. Plans and ordinances that have been adopted by the commissioner apply and have the same effect as if adopted by the local government and shall be administered and enforced by the local government. At any time after the preparation and adoption of plans and ordinances by the commissioner, a local government may prepare or amend plans and ordinances according to parts 6106.0010 to 6106.0150. When the plans and ordinances are approved by the commissioner, they supersede the plans and ordinances adopted by the commissioner.</p>	

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<p>I. Local governments may update or amend plans and ordinances that have been approved by the commissioner by resubmitting the plans and ordinances with the recommended changes to the commissioner for consideration. Updates and amendments to plans and ordinances become effective only upon approval by the commissioner in the same manner as for approval of the original plans and ordinances as provided under this subpart.</p> <p>J. Local governments may, under special circumstances and with the commissioner's prior approval, adopt ordinances that are not in strict conformity with parts 6106.0010 to 6106.0150, if the purposes of Minnesota Statutes, section 116G.15, are satisfied. A local government must request the commissioner's consideration of alternative standards and obtain the commissioner's approval before formal submittal of draft ordinances to the Metropolitan Council as provided under item A. A local government requesting ordinance flexibility must submit the following items to the commissioner:</p> <ol style="list-style-type: none"> (1) a detailed description of the proposed alternative standards that are not in strict conformity with parts 6106.0010 to 6106.0150; (2) a demonstration that the alternative standards are consistent with the policies, purposes, and scope of this chapter according to parts 6106.0010 to 6106.0030; (3) a description of the special circumstances that justify the use of alternative standards; (4) input from adjoining local governments, including those with overlapping jurisdiction and those across the river, and the public potentially affected by the alternative standards; and (5) supporting information, maps, and documents, as appropriate, to explain the request to the commissioner. <p>K. Upon receiving a complete request for ordinance flexibility as provided in item J, the commissioner must:</p> <ol style="list-style-type: none"> (1) acknowledge, in writing, receipt of the request and, within 60 days of receipt of the complete request, issue a written decision approving or denying the request. The commissioner and the local government requesting ordinance flexibility may mutually agree to an extension of the 60-day response requirement; and (2) state in writing to the local government the reasons for the approval or denial and, as appropriate, suggest alternative solutions or regulatory approaches that would be acceptable to the commissioner. 	<p><i>This provision, along with item K, provides flexibility to local governments to adopt ordinances that deviate from the rules. Flexibility was requested by local governments to propose their own ordinance to meet the intent of the MRCCA</i></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>Administration of items J and K will require clarification of the special circumstances where deviation from strict conformity will be allowed and development of criteria by which the proposed changes will be evaluated.</i></p> </div>

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<p>adopted under this part; and</p> <p>(2) scaled mapping, dimensional renderings, plans, maintenance agreements, and other materials that identify and describe the following and demonstrate compliance with plans and ordinances, as applicable:</p> <ul style="list-style-type: none"> a) primary conservation areas; b) buildable area and suitable area; c) existing and proposed topography and drainage patterns; d) proposed storm water and erosion and sediment control practices; e) existing and proposed vegetation to be removed and established; f) ordinary high water level, blufflines, and all required setbacks; g) existing and proposed structures; h) existing and proposed impervious surfaces; and i) existing and proposed subsurface sewage treatment systems. 	<div style="border: 1px solid black; padding: 5px;"> <p><i>Clarify this subpart by identifying the specific permits where site plans are required, instead of referring to the rule parts. The rules “require” three permits:</i></p> <ul style="list-style-type: none"> • <i>Land disturbance > 250 sf</i> • <i>Work below OHWL</i> • <i>Work in the BIZ, SIZ, or SPZ</i> </div>
<p>Subp. 14. Nonconformities.</p> <ul style="list-style-type: none"> A. Notwithstanding item B, nonconformities are regulated by local governments consistent with Minnesota Statutes, chapters 394.36 and 462.357. B. Expansion of nonconforming structures may be permitted if the expansion does not increase the degree of nonconformity and provided that any expansion of a nonconforming structure that increases the horizontal or vertical riverward structure face are not allowed unless it can be demonstrated that the expansion will not be readily visible. 	<p><i>This subpart references Minnesota Law (MS 394.36 for counties and MS 462.357 for cities) that grant rights to continue using nonconforming uses, structures, and properties. The rule allows structures that are nonconforming due to setback to be expanded as long as the expansion does not increase the nonconformity.</i></p>
<p>Subp. 15. Conditional and interim use permits.</p> <ul style="list-style-type: none"> A. In addition to meeting the requirements of Minnesota Statutes, chapters 394 and 462, local ordinances must incorporate standards for the review of conditional and interim use permits required by parts 6106.0090 to 6106.0150. Local government review must evaluate potential impacts on the resources and features identified in Minnesota Statutes, section 116G.15, subdivision 4, paragraph (b). B. When evaluation and assessment identify an impact under item A, then the issuance of a conditional or interim use permit must include conditions for mitigation according to subpart 17. C. Interim use permits must require compliance with plans and ordinances adopted under this part. 	<div style="border: 1px solid black; padding: 5px;"> <p><i>Poor wording makes intent unclear. Recommend rewriting this subpart to clarify intent. The intent is to require standards for evaluating CUP and IUP applications in the MRCCA and to require mitigation in situations where these permits affect MRCCA resources. The rules require a CUP or IUP for only one use-mining. Otherwise, this subpart applies to activities that LGUs regulate through their required CUPs and IUPs.</i></p> </div>

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<p>Subp. 16. Variiances.</p> <p>A. A local government shall consider variances consistent with Minnesota Statutes, chapters 394 and 462.</p> <p>B. Variances must require mitigation as provided under subpart 17.</p>	<p><i>This subpart states that variances require mitigation.</i></p>
<p>Subp. 17. Mitigation.</p> <p>A. Mitigation is required for:</p> <ol style="list-style-type: none"> (1) a variance granted to ordinances adopted under this part; and (2) a conditional or interim use permit granted pursuant to ordinances adopted under parts 6106.0090 to 6106.0150. <p>B. Mitigation must be proportional to the impact of the project on the resources and features identified in Minnesota Statutes, section 116G.15, subdivision 4, paragraph (b).</p> <p>C. Mitigation must include one or more of the following measures as determined necessary by the local government:</p> <ol style="list-style-type: none"> (1) increased setbacks from the ordinary high water level and blufflines; (2) voluntary dedication of public access or trails; (3) modifications to structure or facility design or location to minimize the impact; (4) voluntary conservation easements to protect the shore impact zone, bluff impact zone, slope preservation zone, or other buffers; (5) restoration of native vegetation on the site; (6) limiting storm water runoff and directing it away from bluffs, steep slopes, and very steep slopes; (7) restoration of areas within the shore impact zone, bluff impact zone, slope preservation zone, wetlands, floodplains, or buffers to a natural state; (8) use of low-impact development storm water management as provided under Minnesota Statutes, section 115.03, subdivision 5c, to manage the rate and volume of storm water runoff to predevelopment conditions; (9) voluntary removal of nonconforming structures or impervious surfaces that do not comply with plans and ordinances adopted under this part; (10) use of techniques to reduce visual impact; (11) voluntary connection to a public sewer; or (12) other conditions considered necessary by the local unit of government. 	<p><i>This subpart clarifies when mitigation is required. It lists examples of mitigation measures that local governments may consider, many of which were suggested by local governments.</i></p>
<p>Subp. 18. Accommodating disabilities. Ramps or other facilities to provide persons with disabilities reasonable access to their property, as required by the federal Americans with Disabilities Act and the federal</p>	<p><i>This subpart outlines exceptions to the standards to accommodate people with disabilities through an IUP to allow for ADA</i></p>

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<p>Fair Housing Act and as provided by chapter 1341, are allowed by interim use permit, subject to the following standards:</p> <ul style="list-style-type: none"> A. parts 6106.0100 to 6106.0140 must be complied with to the maximum extent practicable; and B. the interim use permit expires and the ramp or other facilities must be removed once the property is no longer primarily used by persons with disabilities. 	<p><i>compliance without needing to go through the variance process.</i></p>
<p>PART 6106.0070 INCORPORATIONS BY REFERENCE.</p> <p>For purposes of parts 6106.0010 to 6106.0150, the following documents are incorporated by reference, are subject to frequent change, and are available through the Minitex interlibrary loan system:</p> <ul style="list-style-type: none"> A. The Minnesota Stormwater Manual, Minnesota Pollution Control Agency (2005 and as subsequently amended); B. Protecting Water Quality in Urban Areas, Minnesota Pollution Control Agency (2000 and as subsequently amended); C. Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota; Minnesota Department of Natural Resources (2000 and as subsequently amended); D. Design Handbook for Recreational Boating and Fishing Facilities, State Organization for Boating Access (2006 and as subsequently amended); E. Trail Planning, Design, and Development Guidelines, Minnesota Department of Natural Resources (2007 and as subsequently amended); and F. Mississippi River Corridor Critical Area District Map, Minnesota Department of Natural Resources (2011 and as subsequently amended). 	<p><i>These resources are included in this part to help local governments comply with the rules using current best practice guidance.</i></p>
<p>PART 6106.0080 DISTRICTS</p> <p>Subpart 1. Establishment of districts. For purposes of parts 6106.0010 to 6106.0150, seven districts are established, as described in this part. It is intended that all districts protect and enhance the resources and features identified in Minnesota Statutes, section 116G.15.</p>	<p><i>This part establishes new districts as required by MS, chapter 116G.15. Seven districts are provided in this part. These districts were the result of public input from the 2009-2010 process, and took into account the future land use plans of local governments. The dimensional standards covered in Part 6106.0100 vary by district.</i></p> <p><i>Subpart 2-8 below describe each district.</i></p>
<p>Subp. 2. CA-1 district.</p> <ul style="list-style-type: none"> A. The CA-1 district includes specific publicly owned existing and planned future park lands, islands, and natural areas that are riparian or readily visible from the river and designated rural or urban open space in Executive Order 79-19. B. The CA-1 district shall be managed to conserve existing and 	<p><i>CA-1 District: Existing/planned parkland, islands and natural areas that are visible from the river.</i></p>

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<p>potential recreational, scenic, natural, and historic resources for the use and enjoyment of the surrounding region. Natural shorelines, bluffs, steep slopes, and very steep slopes shall be protected and enhanced. Providing public access to and views of the river is a priority in the district.</p>	
<p>Subp. 3. CA-2 district.</p> <p>A. The CA-2 district includes privately owned rural lands that are riparian or readily visible from the river, as well as large, undeveloped tracts of high ecological value and privately owned undeveloped islands. Many of these areas are designated rural open space in Executive Order 79-19.</p> <p>B. The CA-2 district shall be managed to sustain the rural character and to protect and enhance existing scenic, natural, and historic areas.</p>	<p><i>CA-2 District: Rural residential parcels visible from the river and undeveloped parcels with high ecological value.</i></p>
<p>Subp. 4. CA-3 district.</p> <p>A. The CA-3 district includes developed areas that are riparian or readily visible from the river. These areas feature predominantly privately owned residential land, as well as publicly owned existing or planned future park lands designated urban developed in Executive Order 79-19.</p> <p>B. The CA-3 district shall be managed to protect the scenic and natural values of the river corridor within the context of existing development. In public park lands, enhancing natural shorelines, bluffs, steep slopes, and very steep slopes, and providing public access to and views of the river are priorities.</p>	<p><i>CA-3 District: Developed residential land and existing/planned parkland that are visible from the river.</i></p>
<p>Subp. 5. CA-4 district.</p> <p>A. The CA-4 district includes historic downtown areas where the developed landscape extends to the shoreline, as well as limited areas of high density development near river crossings designated urban open space in Executive order 79-19. These areas feature predominantly mixed uses and small, developed lots.</p> <p>B. The CA-4 district shall be managed in a manner that allows for growth consistent with the existing and planned development in historic downtowns and at river crossings. Providing public access to and public views of the river is a priority in the district.</p>	<p><i>CA-4 District: Historic downtown and river crossing commercial areas (not in Minneapolis and St. Paul).</i></p>
<p>Subp. 6. CA-5 district.</p> <p>A. The CA-5 district includes nonriparian lots separated from the river by distance, development, or a transportation corridor. The land in this district is not readily visible from the river.</p> <p>B. The CA-5 district provides flexibility in managing development</p>	<p><i>CA-5 District: Land that is separated and not visible from the river.</i></p>

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<p>without negatively affecting the key resources and features of the river corridor.</p>	
<p>Subp. 7. CA-6 district.</p> <p>A. The CA-6 district includes highly urbanized, mixed-use areas that are a part of the urban fabric of the river corridor, including publicly owned existing and planned future park lands designated urban diversified in Executive Order 79-19, public institutions, and commercial and industrial areas.</p> <p>B. The CA-6 district shall be managed in a manner that allows for future growth and potential transition of intensely developed areas. Providing public access to and public views of the river is a priority in the district.</p>	<p><i>CA-6 District: Commercial, institutional, and industrial mixed-use areas as well as existing/planned parklands.</i></p>
<p>Subp. 8. CA-7 district.</p> <p>A. The CA-7 district includes the urban cores of Minneapolis and St. Paul.</p> <p>B. The CA-7 district shall be managed with the greatest flexibility. Providing public access to and public views of the river is a priority in the district.</p>	<p><i>CA-7 District: Urban core of Minneapolis and St. Paul.</i></p>
<p>Subp. 9. District boundaries.</p> <p>A. The physical boundaries of each district are laid out in the Mississippi River Corridor Critical Area District Map, incorporated by reference under part 6106.0070. The commissioner shall maintain the map and may amend the map as provided in item B.</p> <p>B. The boundaries of a district established under item A may be amended according to subitems (1) to (4).</p> <p>(1) A local government or the Metropolitan Council must submit a formal written request to the commissioner requesting a district boundary amendment. The request must:</p> <ol style="list-style-type: none"> a) be approved by the appropriate governing body; b) identify proposed changes to plans and ordinances and new evidence to justify the proposed changes since parts 6106.0010 to 6106.0150 were adopted; c) be consistent with local, regional, state, and federal plans; d) address potential impacts to key resources and features identified in Minnesota Statutes, section 116G.15, subdivision 4, paragraph (b); and e) contain a summary of feedback from affected 	<p><i>This subpart describes the provisions to modify district boundaries administratively. This was requested by local governments in the 2009-2010 process since EO 79-19 does provide a mechanism for changing boundaries.</i></p>

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<p>parties as provided under subitem (2).</p> <p>(2) The local government or the Metropolitan Council requesting the district boundary amendment must give notice of the proposed district boundary amendment to adjoining or overlapping local governments, the Metropolitan Council, the commissioner, the National Park Service, and property owners in the area directly affected by the proposed district boundary amendment and publish notice in an official newspaper of general circulation in the area.</p> <p>(3) Upon receiving a complete request for a district boundary amendment as provided under subitem (1), the commissioner has 60 days to approve or deny the request or return the request for modification.</p> <p>(4) The commissioner must consider the request and all items submitted under subitem (1) and must, by written decision, approve or deny the request or return the request for modification. The decision must include findings that address the consistency of the proposed district boundary amendment with the purposes of parts 6106.0010 to 6106.0150.</p> <p>C. This subpart does not apply to the river corridor boundary established by Executive Order 79-19.</p>	
<p>PART 6106.0090 USES</p> <p>Subpart 1. Underlying zoning. Uses permissible within the Mississippi River Corridor Critical Area shall generally be guided by the local government's underlying zoning, with additional provisions for certain uses as specified by this part.</p> <p>Subp. 2. Agricultural use. Where agricultural use is allowed by the local government, perennial ground cover is required within 50 feet of the ordinary high water level and within the bluff impact zone. Within the slope preservation zone, a local government may allow row crops subject to a conservation plan approved by the soil and water conservation district board.</p> <p>Subp. 3. Feedlots. New animal feedlots and manure storage areas are prohibited. Existing animal feedlots and manure storage areas must conform to the standards in chapter 7020.</p> <p>Subp. 4. Forestry. Where forestry is allowed by the local government, tree harvesting and biomass harvesting within woodlands, and associated reforestation, must be conducted consistent with recommended practices in Conserving Wooded Areas in Developing Communities, Best Management Practices in Minnesota, incorporated by reference under part 6106.0070.</p>	<p><i>This part describes how uses are regulated. With a few exceptions, uses are regulated by a local government's existing or underlying zoning.</i></p> <p><i>Subparts 2 – 6 describe five uses with special considerations.</i></p>

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<p>A. Parking areas and structures, except shoreline facilities, must meet the dimensional and performance standards in parts 6106.0010 to 6106.0150 and must be designed to incorporate topographic and vegetative screening.</p> <p>B. Shoreline facilities must comply with chapter 6115 and must:</p> <ul style="list-style-type: none"> (1) be designed in a compact fashion so as to minimize the shoreline area affected; and (2) minimize the surface area occupied in relation to the number of watercraft or barges to be served. <p>C. The placement of dredged material is allowed subject to existing federal and state permit requirements and agreements.</p>	
<p>PART 6106.0100 DIMENSIONAL STANDARDS</p>	<p><i>This part outlines standards for structure height; setbacks from the water and bluff; and lot area and width. These standards vary by district.</i></p>
<p>Subpart 1. Structure height.</p> <p>A. Structures, including accessory structures, must be no taller than the heights specified for each district:</p> <ul style="list-style-type: none"> (1) CA-1: 25 feet; (2) CA-2: 35 feet; (3) CA-3: 35 feet; (4) CA-4: 48 feet; (5) CA-5: height is determined by the local government's underlying zoning, provided the structure does not protrude above the treeline or height of existing surrounding development as viewed from the ordinary high water level of the opposite shore; (6) CA-6: 65 feet, provided tiering of structures away from the Mississippi River and from blufflines is considered, with lower structure heights closer to the river and blufflines, and structure design and placement minimize interference with views: <ul style="list-style-type: none"> (a) to the Mississippi River from public park land; and (b) to bluffs from the ordinary high water level of the opposite shore; and (7) CA-7: height is determined by the local government's underlying zoning, provided tiering of structures away from the Mississippi River and blufflines is considered, with lower structure heights closer to the river and blufflines, and structure design and placement minimize interference with views: <ul style="list-style-type: none"> (a) to the Mississippi River from public park land; and (b) to bluffs from the ordinary high water level of the 	<p><i>This subpart defines the height standard for each district.</i></p>

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opposite shore.

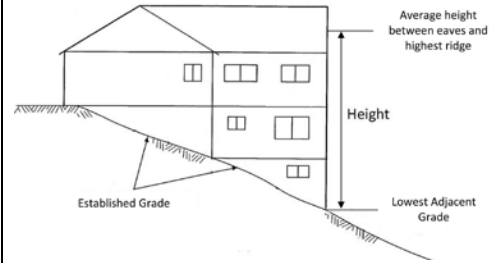
B. For the purposes of this subpart, height must be measured on the side of the structure facing the Mississippi River, and:

- (1) for buildings, height must be measured from the lowest adjacent grade to the highest point of a flat or mansard roof or the average height between the eaves and highest ridge for pitched, hip, or gambrel roofs; and
- (2) for nonbuilding structures, height must be measured from the lowest adjacent grade to the highest point of the structure.

C. Item A does not apply to:

- (1) industrial structures, barge facilities, terminal facilities, wastewater treatment facilities, elevators, and refineries that need to be taller for operational reasons, subject to performance standards to reduce visual impacts as determined necessary by the local government;
- (2) barns, silos, and similar farm structures;
- (3) bridges, bridge approach roadways, and public utilities, except cellular telephone towers as provided under subitem (7), according to part 6106.0110;
- (4) historic sites;
- (5) public safety facilities;
- (6) chimneys, church spires, flag poles, mechanical service stacks, public monuments, ventilation equipment, and similar equipment; and
- (7) cellular telephone towers with a conditional use permit or interim use permit, provided:
 - (a) the tower is not located in the bluff impact zone, shore impact zone, or slope preservation zone;
 - (b) the tower creates minimal interference with views to the river from public park land and to bluffs from the ordinary high water level of the opposite shore; and
 - (c) the applicant demonstrates that functional coverage cannot be provided through colocation, a tower at a lower height, or a tower at a location outside the Mississippi River Corridor Critical Area.

How height is measured



Item C lists structures that are exempt from the height limits. Exemptions in items 1-4 are from EO 79-19. Exemptions in items 5-7 are based on local government requests.

Subp. 2. Setbacks.

A. Structures, including accessory structures, and impervious surfaces must meet the following setback requirement from the ordinary high water level of the Mississippi River and other waters within the Mississippi River Corridor Critical Area, as specified for each district:

This subpart describes the structure setbacks in each district from the ordinary high water level of the Mississippi River and other rivers tributary to the Mississippi River in the MRCCA.

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<p>(1) CA-1: 200 feet from the Mississippi River and 150 feet from the Minnesota and Vermillion Rivers;</p> <p>(2) CA-2: 200 feet from the Mississippi River and 150 feet from the Vermillion River;</p> <p>(3) CA-3: 100 feet from the Mississippi River and 75 feet from the Rum River;</p> <p>(4) CA-4: 75 feet from the Mississippi River and 75 feet from the Crow River;</p> <p>(5) CA-5: 75 feet from the Vermillion River;</p> <p>(6) CA-6: 50 feet from the Mississippi and Rum Rivers;</p> <p>(7) CA-7: 50 feet from the Mississippi River; and</p> <p>(8) all other public waters within the Mississippi River Corridor Critical Area are subject to underlying zoning.</p> <p>B. Structures, including accessory structures, and impervious surfaces must meet the following setback requirements from the bluffline as specified for each district:</p> <p>(1) CA-1: 100 feet;</p> <p>(2) CA-2: 100 feet;</p> <p>(3) CA-3: 40 feet;</p> <p>(4) CA-4: 40 feet;</p> <p>(5) CA-5: 40 feet;</p> <p>(6) CA-6: 40 feet; and</p> <p>(7) CA-7: 40 feet.</p> <p>C. Items A and B do not apply to:</p> <p>(1) public bridges and approaches, railroad sidings, and public and private roadways serving river-dependent uses according to part 6106.0110;</p> <p>(2) public recreational facilities according to parts 6106.0110 and 6106.0120, except picnic shelters are prohibited in the bluff impact zone, the shore impact zone, and the slope preservation zone;</p> <p>(3) aboveground pumping stations for sewer lines, if the stations are not readily visible;</p> <p>(4) historic sites;</p> <p>(5) one water-oriented accessory structure for each riparian lot less than 300 feet in width at the ordinary high water level, with one additional water-oriented accessory structure allowed per each additional 300 feet of shoreline on the same lot, except that structures are prohibited in the bluff impact zone and the slope preservation zone;</p> <p>(6) public safety facilities and airfield pavements;</p> <p>(7) shoreline facilities according to part 6106.0110;</p> <p>(8) rock riprap and retaining walls according to part 6106.0140;</p> <p>(9) flood control structures and public storm water</p>	<p><i>Structure setbacks from the OHWL vary by district and river. Specific standards were derived from EO79-19, existing standards in local government ordinances, natural resources, and existing development patterns.</i></p> <p><i>Item B lists the setbacks from bluffs in each district.</i></p> <p><i>Item C lists exceptions to setback requirements. It includes many items requested by local governments.</i></p> <p><i>This item allows one or more water-oriented accessory structures depending on lot width, provided they are not in a bluff impact zone or slope preservation zone.</i></p>

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<p>facilities;</p> <p>(10) public transportation facilities according to part 6106.0110, subpart 2;</p> <p>(11) restoration projects sponsored and approved by a resource agency or the local government;</p> <p>(12) one access path according to part 6106.0110;</p> <p>(13) stairways, lifts, and landings according to part 6106.0110, subpart 3;</p> <p>(14) directional signs for watercraft as provided under part 6106.0110, subpart 4; and</p> <p>(15) public signs, such as directional, interpretive, educational, safety, or handicapped designation signs.</p> <p>D. Where principal structures exist on the adjoining lots on both sides of a proposed building site, the setback may be altered to conform to the adjoining setbacks, provided that the new structure's height, area, and width riverward or bluffward of the setbacks required under items A and B are compatible with adjoining development. No structures or impervious surfaces are allowed within the bluff impact zone, shore impact zone, or slope preservation zone, unless specified in the exceptions under item C and part 6106.0120.</p> <p>E. Subsurface sewage treatment systems, including the septic tank and absorption area, must be located at least 75 feet from the ordinary high water level of the Mississippi River and all other public waters within the Mississippi River Corridor Critical Area.</p>	<p><i>Item D allows for setback averaging in developed areas. This will reduce nonconformities in developed areas.</i></p> <p><i>Item E requires septic systems to be setback at least 75 feet from the ordinary high water level.</i></p>
<p>Subp. 3. Lot area and width.</p> <p>A. Lot area and width for conventional subdivisions and commercial and industrial lots are determined as specified for each district:</p> <p>(1) CA-1 and CA-3 to CA-7: lot area and width is determined by underlying zoning; and</p> <p>(2) CA-2: minimum width of 200 feet and minimum area of two acres. Lot area and width may be smaller for conservation subdivisions and planned unit developments as provided under part 6106.0150, subpart 2</p> <p>B. Lots must have adequate buildable area to comply with parts 6106.0010 to 6106.0150.</p> <p>C. Lots of record in the office of the county recorder on the date of enactment of ordinances adopted under parts 6106.0010 to 6106.0150 that do not meet the requirements of this subpart may be allowed as building sites without variances from lot size requirements if the requirements of Minnesota Statutes,</p>	<p><i>Lot area and width requirements are described in this subpart.</i></p> <p><i>Lot area and width are only specified for the CA-2 district. The local government's zoning regulates lot area and width for all other districts.</i></p> <p><i>Existing lots that do not meet the minimum lot and width requirements of these rules may be built on without a variance as long as the conditions in state law are met.</i></p>

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section 394.36 or 462.357, are met.	
PART 6106.0110 GENERAL DEVELOPMENT STANDARDS	<i>This part specifies standards for the design of roads, parking areas public facilities, and utilities.</i>
<p>Subpart 1. Private roads, driveways, parking areas, and water access facilities.</p> <p>A. Private roads, driveways, and parking areas must:</p> <ol style="list-style-type: none"> (1) be designed and constructed: <ol style="list-style-type: none"> (a) to take advantage of natural vegetation and topography to achieve maximum screening from view so that they are not readily visible; and (b) according to applicable standards under part 6106.0140; (2) comply with structure setback requirements according to part 6106.0100; and (3) not be placed within the slope preservation zone, bluff impact zone, or shore impact zone according to part 6106.0120 <p>B. A local government may allow private water access facilities, including private water access ramps, access paths, and stairway, lifts, and landings, subject to the following requirements:</p> <ol style="list-style-type: none"> (1) the watercraft access ramp must comply with chapters 6115 and 6280; (2) an access path must comply with land alteration and storm water management requirements in part 6106.0140, and: <ol style="list-style-type: none"> (a) if placed within the shore impact zone, an access path must be no more than eight feet wide; and (b) if placed within the bluff impact zone or slope preservation zone, an access path must be no more than four feet wide; (3) stairways, lifts, and landings must comply with subpart 3; and (4) all water access facilities must be designed and constructed consistent with the applicable standards in the Design Handbook for Recreational Boating and Fishing Facilities, incorporated by reference under part 6106.0070. 	<p><i>Design standards for private facilities are described in the subpart.</i></p> <p><i>Private roads, driveways and parking areas must meet structure setbacks from the river and bluffs and cannot be placed in slope preservation zones.</i></p> <p><i>Access paths can be up to four-feet wide in slope preservation or bluff impact zones, otherwise, they may be up to eight-feet wide in the shore impact zone.</i></p>
<p>Subp. 2. Public transportation facilities, public recreational facilities, and public utilities.</p> <p>A. Public transportation facilities, public recreational facilities, and public utilities must be designed and constructed to:</p>	<p><i>Design standards for public facilities are described in this subpart.</i></p> <p><i>Public facilities are encourage d to meet setback and height requirem</i></p>

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vegetative stands, tree canopies, native plant communities, woodlands, and habitat.

D. Where public transportation facilities intersect or abut two or more of the districts established under part 6106.0080, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:

- (1) scenic overlooks for motorists;
- (2) safe pedestrian crossings and facilities along the river corridor;
- (3) access to the riverfront in public ownership; and
- (4) reasonable use of the land between the river and the transportation facility.

E. Right-of-way maintenance for public transportation facilities, public recreational facilities, and public utilities is subject to the following standards:

- (1) vegetation currently in a natural state must be maintained, where reasonable and prudent;
- (2) where vegetation in a natural state has been removed, native plants must be planted and maintained on the right-of-way; and
- (3) chemical control of vegetation should be avoided when practicable, but when such methods are necessary, chemicals used and the manner of their use must be in accordance with the rules, regulations, and other requirements of all state and federal agencies with authority over the chemical's use.

F. Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to Minnesota Statutes, sections 84.415 and 103G.245. The commissioner must give primary consideration to crossings that are proposed to be located within or adjoining existing rights-of-way for public transportation and public utilities.

G. Public utilities must comply with the following standards:

- (1) high-voltage transmission lines, wind energy conversion systems greater than five megawatts, and pipelines are regulated according to Minnesota Statutes, chapters 216E, 216F, and 216G, respectively; and
- (2) if overhead placement is necessary, utility crossings must be hidden from view as much as practicable. The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.

Design standards for maintaining public facilities.

River crossings are governed by existing statutes.

Standards for the design of high voltage power lines.

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<p>Subp. 3. Stairways, lifts, and landings. Design and construction of stairways, lifts, and landings are subject to the following standards:</p> <ul style="list-style-type: none"> A. stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public park lands, conservation subdivisions, and planned unit developments if approved by the local government; B. landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public park lands, conservation subdivisions, and planned unit developments if approved by the local government; C. canopies or roofs are prohibited on stairways, lifts, or landings; D. stairways, lifts, and landings must be located in the least readily visible portion of the lot whenever practicable; and E. facilities such as ramps, lifts, or mobility paths for persons with physical disabilities are allowed for achieving access to shore areas according to items A to D and as provided under part 6106.0060, subpart 18. 	<p><i>This subpart describes the design standards for public and private stairways, lifts and landings. Local governments requested clarification on what is allowed and appropriate design standards for these features.</i></p>
<p>Subp. 4. Signs. Placement of signs is guided by the local government's underlying zoning, with additional provisions as specified under this subpart:</p> <ul style="list-style-type: none"> A. The local government may allow off-premise advertising signs, provided that: <ul style="list-style-type: none"> (1) the signs meet all required dimensional and performance standards of parts 6106.0010 to 6106.0150; and (2) the signs are not readily visible. B. The local government may allow directional signs for patrons arriving at a business by watercraft, provided that the signs <ul style="list-style-type: none"> (1) are consistent with Minnesota Statutes, chapter 86B; (2) if located within the shore impact zone, convey only the location and name of the establishment and the general types of goods and services available; (3) are no greater than ten feet in height and 32 square feet in surface area; and (4) if illuminated, have lighting that is shielded to prevent illumination out across the river or to the sky. 	<p><i>This subpart describes the design and placement of signs.</i></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>Greater clarity is needed on the design standards for off-premise signs. Item A (1) refers to all rule parts.</i></p> </div>
<p>PART 6106.0120 PROTECTION OF BLUFFS, STEEP SLOPES, AND VERY STEEP SLOPES</p>	<p><i>This section describes requirements for protecting bluffs and slopes.</i> 6106.0110</p>

Draft Rules	Commentary
<p>Subpart 1. Bluff impact zone and slope preservation zone.</p> <p>A. No structures, impervious surfaces, land alteration, intensive vegetation clearing, or construction activities are allowed within the bluff impact zone or the slope preservation zone, except as provided in item B.</p> <p>B. The following structures, impervious surfaces, and activities are exempt from item A:</p> <ol style="list-style-type: none"> (1) public bridges and approaches, railroad sidings, and public and private roadways serving river-dependent uses according to part 6106.0110; (2) public recreational facilities according to part 6106.0110; (3) aboveground pumping stations for sewer lines, if the stations are not readily visible; (4) historic sites; (5) public safety facilities and airfield pavements; (6) shoreline facilities according to part 6106.0110, provided no reasonable alternative exists; (7) rock riprap and retaining walls according to part 6106.0140; (8) public transportation facilities according to part 6106.0110, subpart 2; (9) restoration projects sponsored and approved by a resource agency or the local government; (10) one access path, subject to part 6106.0110; (11) stairways, lifts, and landings according to part 6106.0110, subpart 3; (12) public signs, such as directional, interpretive, educational, safety, or handicapped designation signs; and (13) row cropping, subject to a conservation plan approved by the soil and water conservation district board. 	<p><i>Structures, impervious surface, land alteration and intensive vegetation removal are prohibited on slopes of 18% and greater (i.e. in and near very steep slopes and bluffs). MS 116G.15 requires the protection of bluffs and very steep slopes.</i></p> <p><i>Item B identifies exceptions to the prohibitions in item A.</i></p>
<p>Subp. 2. Development on steep slopes. A local government may allow structures, impervious surfaces, land alteration, intensive vegetation clearing, or construction activities on steep slopes when the following conditions are met:</p> <ol style="list-style-type: none"> A. the applicant can demonstrate that the development can be accomplished without increasing erosion or storm water runoff according to part 6106.0140; B. the soil types and geology are suitable for the proposed development; and C. vegetation is managed according to part 6106.0130. 	<p><i>Development is permitted on slopes between 12% and 18% with the listed conditions. There are no conditions for development on slopes less than 12%.</i></p>

6106.0120

Draft Rules	Commentary
<p>PART 6106.0130 VEGETATION MANAGEMENT</p>	<p><i>This part outlines provisions to protect existing high quality vegetation.</i></p>
<p>Subpart 1. Requirements. Within shore impact zones, bluff impact zones, slope preservation zones, wetlands, floodplains, significant existing vegetative stands, canopies, and native plant communities, vegetation must be managed as provided in items A to F.</p> <ul style="list-style-type: none"> A. Existing vegetation in a natural state must be maintained. B. Restoration of vegetation to a natural state is encouraged. C. Intensive vegetation clearing is prohibited. D. Screening of structures, vehicles, and other facilities as viewed from the ordinary high water level of the opposite shore during summer months must be maintained. E. A local government may allow limited cutting, trimming, or clearing of trees, shrubs, understory, and groundcover vegetation for: <ul style="list-style-type: none"> (1) the minimum necessary for development allowed as exceptions under parts 6106.0100 to 6106.0120; (2) one shoreline recreational use area, subject to the following standards: <ul style="list-style-type: none"> (a) for residential lots with a lot width less than 300 feet, only one shoreline recreational use area is allowed on each lot and the recreational use area must not exceed 25 feet in width and must not extend more than 25 feet landward from the ordinary high water level; and (b) for conservation subdivisions, planned unit developments, and residential lots with a lot width 300 feet or greater, the shoreline recreational use area allowed by unit (a) may be increased by 25 feet in width for each 100 feet in lot width in excess of 300 feet, not to exceed 5,000 square feet in total area, with the depth of the shoreline recreational use area not exceeding 25 feet landward from the ordinary high water level; (3) the removal of trees, limbs, or branches that are dead, dying, diseased, or infested, which removal is necessary to prevent spread of disease or infestation or to address a safety hazard as determined by a forester, arborist, or other qualified local government representative; (4) the removal of invasive, nonnative plants as determined necessary by a forester, arborist, or other qualified local representative; (5) woodland or habitat management and restoration activities sponsored and approved by a resource 	<p><i>This subpart lists requirements for managing vegetation in sensitive environmental areas. This includes where vegetation should be managed, how, and in what situations restoration is to occur.</i></p> <div data-bbox="1065 793 1549 974" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><i>Clarification of the exemptions under item E (1) is needed. This item refers to rule parts dealing with dimensional, general development, and bluff standards.</i></p> </div> <p><i>This provision allows vegetation removal for development of shoreline recreational areas such as beaches.</i></p> <div data-bbox="1065 1142 1549 1323" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><i>Intent of item E (2) (b) is unclear due to poor wording. Intent is to allow larger recreational use areas as lots get larger and to allow large use areas if a common feature of subdivisions.</i></p> </div> <div data-bbox="1373 1877 1549 1921" style="border: 1px solid black; padding: 2px; text-align: center;"> <p>6106.0130</p> </div>

Draft Rules	Commentary
<p>agency or the local government;</p> <p>(6) forest management activities sponsored and approved by a resource agency or the local government and pursuant to the forestry use standards in part 6106.0090; and</p> <p>(7) aviation safety facilities.</p> <p>F. In areas cleared of vegetation under item E, subitems (3) and (4), vegetation in a natural state must be reestablished, either by allowing regeneration naturally or with plantings subject to a restoration plan approved by a resource agency or the local government.</p>	
<p>Subp. 2. Compliance; restoration. Reestablishment of vegetation in a natural state according to items A to C is required upon failure to comply with subpart 1.</p> <p>A. The local government must require a restoration plan that includes planting comparable species, composition, density, and diversity of vegetation in a natural state in the same area. All aspects of the plan must be maintained in perpetuity, and loss of plantings must be replaced in kind.</p> <p>B. Open areas or lawns resulting from violations must be left unmowed or uncut and restored with vegetation in a natural state in the same area.</p> <p>C. The local government must issue a certificate of compliance after it has determined that the restoration requirements of items A and B have been satisfied.</p>	<p><i>This subpart describes compliance and corrective measures when there is a vegetation violation. This section was requested by local governments.</i></p>
<p>Subp. 3. Education. In cooperation with the commissioner and other resource agencies, local governments must implement an incentive, marketing, or educational program to encourage property owners to protect or restore vegetation in a natural state within the areas identified in subpart 1.</p>	<p><i>This subpart describes requirements for encouraging better vegetation management practices.</i></p> <div data-bbox="1060 1312 1555 1528" style="border: 1px solid black; padding: 5px;"> <p><i>There is concern with the practicality of this type of requirement in rule. Greater clarity around what constitutes an incentive, marketing or educational program would be needed to determine whether the requirements have been met.</i></p> </div>
<p>PART 6106.0140 LAND ALTERATION AND STORM WATER MANAGEMENT</p>	<p><i>This part describes measures to protect water quality of the Mississippi River and its tributaries. It recognizes and relies on existing federal, state, and local regulations as key elements in addressing water quality.</i></p>
<p>Subpart 1. Compliance with other plans and programs. All development must:</p> <p>A. be consistent with Minnesota Statutes, chapter 103B, and local water management plans completed under chapter 8410;</p>	<p><i>This subpart lists relevant statutes and rules regulating water protection activities.</i></p> <div data-bbox="1365 1860 1572 1919" style="border: 1px solid black; padding: 5px; text-align: right;"> <p>6106.0140</p> </div>

Draft Rules	Commentary
<p>B. meet or exceed the wetland protection standards under chapter 8420; and</p> <p>C. meet or exceed the floodplain management standards under chapter 6120.</p> <p>Subp. 2. Land alteration.</p> <p>A. Within the shore impact zone, grading, filling, and land disturbance activities involving a volume of more than ten cubic yards of material or affecting an area greater than 250 square feet require a permit from the local government and must comply with subpart 3, with the following exceptions:</p> <ul style="list-style-type: none"> (1) emergency situations as determined by the local government; and (2) restoration projects sponsored or approved by a resource agency or the local government <p>B. Within the bluff impact zone and slope preservation zone, grading, filling, and land disturbance activities are prohibited, with the following exceptions:</p> <ul style="list-style-type: none"> (1) aggregate mining and extraction subject to subpart 3 and as provided under part 6106.0090, subpart 5; and (2) development allowed as exceptions under part 6106.0120, subpart 1, subject to subpart 3. 	<p><i>Subpart 2 regulates grading and filling activities in the shore impact zone (SIZ). Any land disturbance greater than 250 square feet in the SIZ requires an LGU permit. The SIZ is the area within 50 feet of the ordinary high water level.</i></p> <p><i>Land disturbance is prohibited in the bluff impact zone and the slope preservation zone, subject to some exceptions.</i></p>
<p>Subp. 3. Erosion and sediment control.</p> <p>A. Temporary and permanent erosion and sediment control is required for any development that disturbs a total land surface area of 3,000 square feet or more.</p> <p>B. Temporary and permanent erosion and sediment control measures must be consistent with Protecting Water Quality in Urban Areas Manual, incorporated by reference under part 6106.0070, and must comply with the standards provided in the National Pollution Discharge and Elimination System (NPDES) Program permit for construction storm water.</p>	<p><i>This subpart outlines erosion and sediment control measures.</i></p> <p><i>Any activity that disturbs more than 3,000 square feet requires temporary (construction) control measures as well as permanent (post-construction) control measures.</i></p>
<p>Subp. 4. Rock riprap and retaining walls.</p> <p>A. Placement of riprap and retaining walls below the ordinary high water level requires a permit from the commissioner and must comply with chapter 6115.</p> <p>B. Within shore impact zones, bluff impact zones, and slope preservation zones, a local government may allow by permit constructing or replacing retaining walls, riprap, or other impervious surfaces or using bioengineering techniques, provided the following standards are met:</p> <ul style="list-style-type: none"> (1) retaining walls, riprap, or other impervious surfaces must only be used for the correction of an established 	<p><i>Provisions for hard armoring are described in this subpart.</i></p> <div style="text-align: right; border: 1px solid black; padding: 2px;">6106.0140</div>

Draft Rules	Commentary
<p>erosion problem that cannot be controlled through the use of vegetation, slope stabilization using mulch, a biomat, or similar bioengineering methods. This determination must be done by a professional engineer or person with certification in erosion control; and</p> <p>(2) design, construction, and maintenance must be consistent with best management practices in Protecting Water Quality in Urban Areas Manual, incorporated by reference under part 6106.0070, or other appropriate resource agency manual.</p>	
<p>Subp. 5. Storm water management.</p> <p>A. All development must meet or exceed the standards in chapters 7050, 7053, and 7090, as well as the Metropolitan Council's current water resources management policy plan.</p> <p>B. The impervious surface coverage limit is determined by underlying zoning.</p> <p>C. Storm water practices must be designed to capture runoff generated from one inch of rainfall over new or reconstructed impervious surfaces. Where site conditions do not allow for infiltration, other volume reduction practices or filtration practices must be given priority. This item applies to any development that requires a permit from the local government that involves land alteration. Design, construction, and maintenance must be consistent with The Minnesota Stormwater Manual, incorporated by reference under part 6106.0070.</p>	<p><i>This subpart describes standards for managing stormwater runoff.</i></p> <p><i>The first inch of rainfall must be captured.</i></p>
<p>PART 6106.0150 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS</p>	<p><i>This part describes standards for subdivisions and PUDs.</i></p>
<p>Subpart 1. General provisions.</p> <p>A. Subdivision and planned unit development proposals must be processed by local governments according to Minnesota Statutes, chapters 394, 462, 505, and 515B.</p> <p>B. Local governments must require detailed site information and provide for preproject review of all proposed subdivisions and planned unit developments as provided under part 6106.0060, subpart 13.</p> <p>C. The local government ordinances must contain provisions, including incentives, for conservation subdivisions and planned unit developments to protect primary conservation areas and open space.</p>	<p><i>General requirements for subdivisions are described in this subpart.</i></p> <p><i>This item describes the type of information local governments should use for reviewing subdivision proposals. Rules require a pre-project meeting.</i></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>In item B "part 6106.0060" needs to be clarified to refer to subp 13 – the list of items included in site plans.</i></p> </div>
<p>Subp. 2. Lot standards.</p>	<p><i>This subpart allows for dens</i></p> <div style="border: 1px solid black; padding: 2px; float: right; margin-top: -20px;"> <p>6106.0150</p> </div>

Draft Rules	Commentary
<p>A. Lot area and width standards must comply with part 6106.0100, subpart 3, except as provided under item B.</p> <p>B. Smaller lot area and width is allowed:</p> <ol style="list-style-type: none"> (1) for conservation subdivisions and planned unit developments that provide greater protection or enhancement of open space, such as: <ol style="list-style-type: none"> a) increased distance between development and primary conservation areas and other areas identified for open space protection; b) decreased development density close to primary conservation areas and other areas identified for open space protection; c) use of minimum impact design; d) restoration of open space to native plant communities, wetlands, wildlife habitat, and other natural features; e) protection of open space greater than the minimum required by subpart 3; and f) other means as determined by the local government; and (2) in the CA-5 district, when development density has been transferred from other districts to achieve open space protection as provided by subpart 3, item C. 	<p><i>smaller lots if subdivisions provide additional resource protection.</i></p> <div data-bbox="1062 380 1542 621" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><i>Since these rules only regulate lot area and width in the CA-2 district, (underlying zoning applies to all other districts) subp. 2 could be moved to part 6616.0100, subpart 3 (A) (2) – the provision that deals with lot area and width for the CA-2 district.</i></p> </div> <div data-bbox="1062 737 1549 1005" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><i>Under (c), “minimum impact design” is a technical error. Intent was to state “low impact development.” Low impact development (LID) means an approach to stormwater management that mimics a site’s natural hydrology as the landscape is developed.</i></p> </div>
<p>Subp. 3. Open space. Local government ordinances must contain provisions for the protection, administration, and maintenance of open space as provided in items A to D.</p> <p>A. Open space protection is required for all subdivisions creating three or more lots and for all planned unit developments, except for:</p> <ol style="list-style-type: none"> (1) minor boundary line corrections; (2) resolutions of encroachments; (3) additions to existing lots of record; and (4) placement of essential services <p>B. Open space must be protected through:</p> <ol style="list-style-type: none"> (1) a perpetual conservation easement, as provided in Minnesota Statutes, chapter 84C, the terms of which must meet the purposes of parts 6106.0010 to 6106.0150 and must ensure long-term management of vegetation in a natural state, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river; or (2) fee title ownership by a government entity for conservation purposes consistent with parts 6106.0010 to 6106.0150. 	<p><i>This subpart describes the requirements for open space in subdivisions.</i></p> <div data-bbox="1062 1268 1552 1535" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><i>The practicality of open space rules needs further discussion. Is “three or more lots” an appropriate threshold considering the requirement to protect open space through easements? Should open space requirements exist or vary by district and type of land use?</i></p> </div> <div data-bbox="1367 1829 1572 1877" style="border: 1px solid black; padding: 2px; text-align: center;"> <p>6106.0150</p> </div>

Draft Rules

Commentary

C. Areas to be protected as open space shall be determined as follows:

- (1) in the CA-1 and CA-2 districts, a minimum of 50 percent of the total project area of the proposed subdivision or planned unit development must be protected as open space, subject to the following provisions:
 - a) primary conservation areas must be the highest priority for protection;
 - b) if the primary conservation areas exceed 50 percent of the total project area, then the local government must determine which primary conservation areas are to be protected as open space; and
 - c) if the primary conservation areas constitute less than 50 percent of the total project area, then the local government must:
 - i. determine the location of the remaining balance of open space to be protected on the site; or
 - ii. accept cash in lieu of open space protection for the balance to be used only for purchasing land or conservation easements for open space, natural areas, and recreational areas within the Mississippi River Corridor Critical Area;
- (2) in the CA-3, CA-4, CA-6, and CA-7 districts, only primary conservation areas, if they exist, must be protected as open space up to a maximum percentage of the total project area as provided in units (a) to (d):
 - a) CA-3: 25 percent of the total project area;
 - b) CA-4, CA-6, and CA-7: 15 percent of the total project area;
 - c) if the primary conservation areas exceed the percentages provided by units (a) and (b), then the local government shall determine which primary conservation areas are to be protected as open space; and
 - d) if the primary conservation areas do not meet the percentages provided by units (a) and (b), then only the existing primary conservation areas must be protected as open space. If no primary conservation areas exist, then no open space protection is required; and
- (3) in the CA-5 district, underlying open space requirements apply, except that no open space is

6106.0150

Draft Rules	Commentary
<p>required if development density is transferred to the CA-5 district from other districts.</p> <p>D. Open space must connect neighboring or abutting open space, natural areas, and recreational areas as much as possible to form an interconnected, corridorwide network.</p>	
<p>Subp. 4. Dedication.</p> <p>A. In the development of subdivisions creating three or more lots and planned unit developments, a developer must dedicate to the public a reasonable portion of land suitable for riverfront access or other lands in interest therein.</p> <p>B. In the event of practical difficulties or physical impossibility, the developer must contribute an equivalent amount of cash to be used only for the acquisition of land for parks, open space, storm water drainage areas, or other public services within the Mississippi River Corridor Critical Area.</p> <p>C. The area dedicated may include area protected as open space under subpart 3.</p>	<p><i>This subpart describes the requirement that all subdivisions must advance the need for public land for recreation and aesthetic enjoyment.</i></p>

Ramsey: Comparison of Existing MRCCA Ordinance and Proposed MRCCA Rule Standards

The purpose of this chart is to compare the existing ordinance to the proposed rules on key provisions. DNR staff started completing items in the column labeled "existing MRCCA district" & "existing MRCCA ordinance" based on the community's web based ordinance. Corrections and completion of these items will be completed at each meeting.

District-Specific Development Standards						
Standards	Existing MRCCA District		Proposed MRCCA Districts			
	Rural Open Space (96%)	Urban Developed (4%)	CA-1	CA-2	CA-3	CA-5
Height	35*		25'	35'	35'	underlying zoning w/ visibility limits
Setbacks:						
Bluffline	Unsewered 35', Sewered 20'		100'	100'	40'	40'
River - OHWL						
Mississippi	200' unsewered, 100' sewer		200'	200'	100'	
Rum					75'	
Crow						
Lot Area	Unsewered 2.5 acres (some underlying zoning is greater), with public sewer 12,150-40,000 sq ft depending on underlying zoning and riparian vs nonriparian		underlying zoning	2 acres	underlying zoning	underlying zoning
Lot Width	200' unsewered / 90 - 125' sewer		underlying zoning	200'	underlying zoning	underlying zoning

Underlying zoning districts in the MRCCA include: WSR recreational, low density residential, open space, ag, commercial.

primary part of Ramsey Zoning Ordinance: section 9.21, environmental protection

* In 1995 city considered reducing max height to 25 feet but did not approve it; proposed office park category will feature 45 foot heights

Corridor-Wide Development Standards		
Standards	Existing MRCCA Ordinance	Proposed MRCCA Rules
Private Transportation Facilities	Consistent with WSR, minimize impacts on natural terrain/landscape.	Private roads, driveways, and parking areas: not within SPZ, BIZ or SIZ; must meet structure setbacks, take advantage of natural screening. Exceptions for water access facilities in SPZ, BIZ, and SIZ.
Public Transportation, Recreational & Utility Facilities	Consistent with WSR, minimize visibility, underground where feasible, roads minimize impacts on natural terrain and landscape, avoid cuts and fills.	Avoid primary conservation areas, reduce visibility to extent feasible
Stairways. Lifts, Landings	Permit required	Specific dimensional standards for residential lots. Emphasis on limiting visibility
Signs	Don't impair views of the water; signs prohibited in some areas, other underlying zoning requirements.	Underlying zoning as long as off-premise signs meet dimensional and performance standards - Emphasis on limiting visibility
Bluffs & Slopes	Development and slope alteration prohibited on slopes > 12%	No structures, impervious surface, land alteration, and intensive vegetation removal on slopes of 18% and greater - some exceptions. Development on slopes between 12% and 18 % allowed with conditions.
Vegetation	Prohibits clearcutting on undeveloped islands, slope or face of bluffs, within 200 ft of OHWL, and within 40 ft of bluffline. Requires permit. Blend into views and maintain continuous natural cover.	Maintain existing vegetation within SIZ, BIZ, SPZ, wetlands, and floodplains - no intensive clearing, some exceptions. Restoration required for violations.
Stormwater	Imp surface coverage <=30%. City wide stormwater plan adopted in 2008. Plan requires development of controls consistent with MPCA urban BMPs.	Meet state and Metro Council standards, capture first inch rainfall.
Erosion & Sediment Control		BMPs required for land disturbance > 3,000 sq. ft.
Land Alteration	CUP required for >300 cu yd	Within SIZ, > 10 cu yd or > 250 sq ft requires permit; prohibited within BIZ and SPZ, with exceptions. Local permit and BMPs for rip rap and retaining walls in SIZ, BIZ, SPZ.
Mitigation		Mitigation required for variances, CUPs, & IUPs with impact on corridor resources. Nexus & proportionality.
CUPs & IUPs	Permits required for all structures	Required for mining
Subdivision	Minimize density through TDR and PUD, establish continuous trail corridor along river. Allow public access to river.	For CA-2 District only - smaller lots allowed with additional resource protections (conservation design). For all CA Districts - open space required for all subdivisions of 3 or more lots. Percentage varies by CA District. 50% in CA-1 and CA-2; primary conservation areas in CA-3, up to 25%, CA-5, CA-6, CA-7, up to 15%; open space must connect as part of network.
Subdivision-Dedication	All development in MRCCA must be done as a PUD with 50% open space preservation and minimal site alteration.	Dedication: if 3+ lots or PUD, reasonable portion of land or cash equivalent to be dedicated for riverfront access, parks, open space, etc. within MRCCA
Site Plans	Required for selective or clearcutting.	Site plans containing specific elements are required for variances, CUPs, IUPs, and subdivisions.
Other Overlay Districts	Shoreland, WSR. In 1995 and 2006 city proposed revisions to do a combined WSR-MRCCA-shoreland overlay, but the city council did not support the 50% open space requirement for PUDs in WSR.	WSR designation removed

Response to Mississippi River Corridor Critical Area Rulemaking Project (2013)

City of Ramsey, October 11, 2013

Statement of Purpose

This document is a preliminary response to the current set of draft rules for the Critical Area. This is not a formal Statement of Policy and has not been adopted by the Ramsey City Council. Ramsey City Staff is forwarding this document in order to submit comments by the October 11, 2013 deadline.

Ramsey Staff would like to thank the DNR for its previous support in our special legislation efforts in removing overlapping regulations, as we were previously both in the Critical Area as well as the Wild and Scenic Overlay. The removal of the overlap will help immensely in the administration of our ordinances while still focusing on appropriate regulations to protect the corridor. Additionally, Ramsey Staff sees benefit to the tiered district approach, as this appears to have the potential of eliminating certain non-conformities for non-riparian lots within the Critical Area, but said process should still not create the result of substantial non-conforming structures in other communities within the corridor. Ramsey Staff also sees the benefit of updating the administrative portions to match current business practices and recent legal decisions related to the Critical Area.

History

The following is a brief history of the City of Ramsey's participation in the rulemaking process for the Critical Area.

2009 Process

The City did participate and provide comment to the technical aspects of the rulemaking process commenced in 2009. We hope that our comments from that process will be used in the process commenced in 2013.

August 13, 2013 City Council Review

On August 13, 2013, the Ramsey City Council met to discuss the current rulemaking process. City Staff provided the current materials provided by the DNR and the proposed schedule. The City Council did not discuss specific standards nor overarching policy. The City Council did direct City Staff to prepare a collaborative public process to involve residents and stakeholders early in the policy and standards development process instead of reacting to a set of draft rules prepared by the DNR. This collaborative process was held on September 16, 2013. Details of the process are included below.

September 16, 2013 Ramsey Collaborative Process

On September 16, 2013, the City of Ramsey did host a collaborative process with its residents to discuss opportunities and barriers related to the rulemaking process. ***A copy of the invite to the collaborative process is attached to this memo as Exhibit A.***

The City posed the question as:

- What key resources do you feel the City and the State of Minnesota should protect through updated standards, if any?

- What types of standards (i.e. setbacks, limits on impervious [hard] surface, limits on vegetative removal) would you feel important for the City to protect through administration of additional land use controls, if any?
- What general questions or concerns regarding the Critical Area would you like to discuss with the DNR?



Step 1: Convening as a large group



Step 2: Scheduling small group sessions



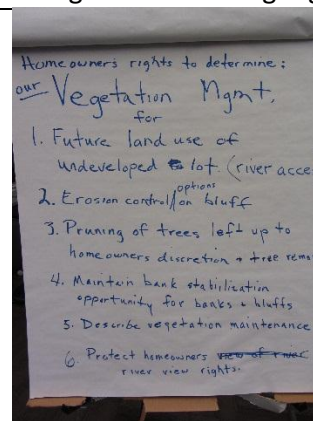
Step 3: Convening small group sessions



Step 4: Reporting back to the larger group



Step 5: Building consensus around topics to bring forward to the DNR to discuss further



Step 6: In their own words - Bringing forward comments in a transparent environment and involving stakeholders proactively in the development process

This was a higher level policy discussion. The City did not review the draft rules line by line, but the draft rules were available to discuss as needed. The City did not prepare the agenda; the topics were chosen by the participants of the collaborative process.

The comments provided as an outcome of this collaborative process are not intended to provide the official policy statement on behalf of the City of Ramsey. As part of the City of Ramsey's 2013 Strategic Plan, the City identified 'Transparency' as a core value for the organization. With that in mind, the City designed this collaborative process to allow for a forum for stakeholders to provide feedback in their own words. In the interest of transparency, Ramsey City Staff is forwarding these comments unedited for the benefit of the process with the hope that any draft rule can assist in clarifying and/or correcting issues, barriers, or opportunities.

These comments are intended to be helpful in the development of the rulemaking process, as these are the issues and questions most important to Ramsey's key stakeholders in the corridor. Suggested alternatives range from appropriate language changes in the draft rules to no changes at all.

Issues to address

The issues raised that the City desires the DNR to clarify, comment, or address through the draft rules are the output of the collaborative process. ***These comments are intentionally unfiltered, and attached to this memo as Exhibit B.***

A summary of the comments is listed below.

1. Protection for lawful, non-conforming uses and structures
2. Additional local control provided in decision-making process
3. Flexibility in vegetation management
4. Support Draft Standards by providing technical analysis for need
5. Provide examples of current issues
6. Discuss relationship and separation between the Mississippi National River & Recreation Area (MNRRA) and Mississippi River Trail (MRT)

Recommendations

City Staff has a number of recommendations to improve the draft rules based on stakeholder feedback.

1. Protection for lawful, non-conforming uses and structures

A primary concern of our residents is the potential creation of lawful, non-conforming structures. Although the impact may be minor in Ramsey, the current draft rules do create the potential for the creation of non-conforming structures, most notably the bluff setback standard that differs from the standard currently in Ramsey's ordinance. The City of Ramsey does acknowledge the lawful, non-conforming protections under Minnesota Statutes Chapter 462.357.

The City would like to explore the ability to strengthen lawful, non-conforming protections through the rulemaking process or the City's general ordinances. Any support that the DNR could provide would be appreciated.

2. Additional local control provided in decision-making process

The City of Ramsey acknowledges that the draft rules do correct documented concerns we have had with our existing ordinance in the past. However, the City of Ramsey also acknowledges concerns raised by our partners and peer communities within the corridor. If updated rules are to be adopted, we would want to ensure that local communities have the flexibility to meet the needs of their community, its existing development pattern, and future land use plans (Comprehensive Plans).

3. Flexibility in vegetation management

A number of Ramsey residents expressed concern of limitations on vegetation management. Understanding the DNR's assumption that natural vegetation has a benefit to bluff stabilization, water quality, and scenic qualities of the corridor, Ramsey Staff would like to clarify our role in determining proper vegetation management and what activities a homeowner can complete without approval from the City. We have a finite amount of resources to provide to administering these rules; any additional duties, if any are proposed, above what is being provided under the existing rules comes at an additional cost to the City.

4. Support Draft Standards by providing technical analysis for need

A number of Ramsey residents expressed a desire to have access to technical resources to support the methodology utilized to develop specific draft standards. Ramsey's Comprehensive Plan notes [paraphrased] that our land use decisions should be supported by peer-reviewed science. Ramsey Staff recommends the creation of a Resource Library to help in our decision-making process by providing important details on how these draft standards protect the resources identified in existing rules as well as why these resources need to be protected through corridor-wide rules.

5. Provide examples of current issues

The Ramsey Staff understands there may be examples of river bank failures that have come close to having an impact to existing structures, or have directly impacted existing structures. It would be helpful for us to see those examples and see how those circumstances apply to the built-environment in Ramsey.

6. Discuss relationship and separation between the Mississippi National River & Recreation Area (MNRRA) and Mississippi River Trail (MRT)

The Ramsey Staff understands that the Critical Area, MNRRA, and MRT are separate components. However, it appears that the relationship and separation are still unclear to many of our stakeholders. This is especially true as it relates to the Critical Area and MNRRA, as they share the same boundary. In addition, the MRT traverses within the boundary of the Critical Area. A resource explaining what the MNRRA is and what it means to private property owners would be helpful in our analysis.

Conclusion

The City of Ramsey Staff reiterates that this document is simply a summary of the information provided to us by our key stakeholders and previous policy statements. This document is not an official Statement of Policy on behalf of the City of Ramsey until the City Council has an opportunity to adopt said Statement of Policy. It is anticipated that the City of Ramsey will adopt an official Statement of Policy and detailed Technical Review in November. The City of Ramsey Staff is forwarding this document at this time to meet the October 11, 2013 deadline for comment prior to the DNR completing a revised Draft Rules document.

It is our hope that this document will help improve the quality of the rulemaking process as we move forward.

Document continues on next page

process was completed in 2009, however the process was not completed by the required deadline, and revised rules were not adopted. The Critical Area is an existing designation, and the City has previously adopted rules consistent with the existing Statute. This process will potentially update these existing rules.

In order for the Planning Commission, Environmental Policy Board (EPB), and City Council to make informed recommendations on potential draft rules, we first want to hear from you as Property Owners, those most impacted by potential changes to standards. You are an integral part of this process, and the City needs your feedback in order to make an informed decision. As the process has yet to formally begin, the City cannot fully analyze the potential impacts to our residents. However, the City desires to hear from you prior to the process beginning so that you can be part of the discussion, process, and ultimate outcome.

The City desires to hear your thoughts on:

- What key resources do you feel the City and State of Minnesota should protect through updated standards, if any?
- What types of standards (i.e. setbacks, limits on impervious [hard] surface, limits on vegetative removal) would you feel important for the City to protect through administration of additional land use controls, if any?
- What general questions or concerns regarding the Critical Area would you like the City to discuss with the DNR?

This initial public forum hosted by the City on September 16th will begin with a short background presentation at 6:00 p.m. followed by an open public forum and process.

The DNR will be meeting with City Staff and policy makers in late September. In order for this meeting to be productive, your participation in providing input is critical. In addition, the DNR will be hosting Open Houses on the process later this fall. The City Council has asked City Staff to reach out to impacted Property Owners prior to that stage to ensure that your feedback is incorporated into preliminary discussion and in preparation for the upcoming Open House sponsored by the DNR.

Please consider joining us on September 16, 2013 to be part of the discussion and solution. You may also submit comments to tgladhill@cityoframsey.com or by calling 763-576-4308. For more background information, visit our webpage at www.cityoframsey.com/shoreland under the 'Mississippi River Corridor Critical Area (MRCCA)' section.

Sincerely,

CITY OF RAMSEY



Tim Gladhill
Development Services Manager

**MISSISSIPPI RIVER CORRIDOR CRITICAL AREA (MRCCA) RULEMAKING
Ramsey Initial Stakeholder Meeting**

On existing properties - want to be able to:

- Mow to river bank
- Put in Rip Rap and rock to stabilize bank
- Trees do not stabilize river banks (see #2)
 - Can dead trees be removed?
- Funds from Federal or State Government for river bank stabilization

Local Control:

- MRT Concern
- Program for takeover
- Local control being key
- Create problem then find solution perception
- What are proactive steps identified so we can manage locally-necessary steps
- Define problem
- Grandfather rights
 - Transferable?
- City sewer vs. private septic
- Is DNR saying to keep things the same? Or what is the problem?
- See the list of problems
- Money available for Rip Rap, boulders, Etc. from Government?
 - Narrow in critical area
- Wing dams
- Department of Interior agenda?
- Make it clear that the City fights for retain rights for its citizens
- Ask for reasons of what drives setback – technical reasons
- City to develop statement for long term protection

Homeowners' rights to determine our vegetation management for:

- Future land use of undeveloped lot (river access)
- Erosion control options on bluff
- Pruning of trees and tree removal left up to homeowners discretion
- Maintain bank stabilization opportunity for banks and bluffs
- Describe vegetation maintenance
- Protect homeowners river view rights

**MISSISSIPPI RIVER CORRIDOR CRITICAL AREA (MRCCA) RULEMAKING
Ramsey Initial Stakeholder Meeting**

Comment 1:

What is a visual intrusion? Who determines it is a visual intrusion? What is screening? What material is it? Who determines what needs to be screened? Part 6106.0130 Subp. 12 Plans.

Comment 2:

Tim,

In regards to the open meeting on MRCCA proposed [rulemaking], I am having a tough time formulating any real ideas for comments and input. Is there any place on line that I can find a general idea of what may be proposed [?] Without having some indication of restrictions that may be part of the new rules I'm guessing and shooting in the dark.

As I look around our neighborhood and also travel up and down this beautiful river by water I really don't see anything that I would consider changing. I think that most of us have been good caretakers of this resource.

Are we sure we really need to fix things that appear not to need fixing?

It is hard for me to believe that home owners located on the river and paying high taxes are not taking care of their property. We have a fairly modest home of less than 3000 sq ft and pay taxes of \$5000.

So far in looking on line I only see that MRCCA will have more information on proposed rules shortly.

Obviously not in time for putting our comments together.

Thank you for your time.

Comment 3:

September 12, 2013

Dear Mr. Gladhill,

Re: MRCCA

We have been Ramsey residents for 39 years and have been property owners on the Mississippi River for 24 years. We support the protection and enjoyment by all of this valuable resource, but we find many of the new rules too imposing, intrusive and far reaching for the DNR as well as other government agencies. Many of these rules that impact property owners have no environmental value, but are primarily aesthetic in nature.

We would encourage the City of Ramsey to oppose limits on homeowners on the Mississippi specifically regarding removal of their own dead or diseased trees, branches, plants or shrubs. We don't need a specialist to oversee these activities. If tree branches are overgrown in our yards and new rules prevent us from maintaining them they could harming us by poking us in the eye or causing an

accident on our mower. (That's if we're still allowed to mow our grass, if, we can keep it.) We should be able to trim them on our own as we have over the years. We don't need a tree specialist or a government agent to make that determination. Seriously, who is going to foot that bill, guess who? We also are users of the river and when branches on trees are allowed to be fully overgrown we cannot enjoy the view either.

Speaking of enjoying the view. Who discerns what is visually intrusive? The person going by in a canoe? Should peoples['] homes, garages, vehicles be screened from view? How again does that improve our environment? People live in houses everywhere, we all know that and do we really have to keep them out of view so as not to offend "the user"? [Doesn't] he or she live in a house too? Is there a conforming material for that? Will there be tax credits for those people who cannot afford to comply, will others be penalized on their real estate taxes? Personally, a concrete or asphalt parking lot full of vehicles is intrusive to look at from the water, but that is exempt. I think it contributes to run off but I am no expert on that. Doesn't run off have an ecological impact? So public exempt properties don't have to be aesthetic or environmentally safe? Only privately held properties?

Restoration of vegetation to a natural state is a great idea. In a perfect world. But we also would like to enjoy parts of our acreage that we pay those exorbitant real estate taxes for. The person using the river is not the only user here. Let's not forget that. There are many properties where lawns meet the river. Ours is not one of those. I think that educating the homeowner and encouraging incorporation of some natural vegetation is acceptable. Forcing people to do these things does not bring about a good outcome. I also don't believe the original intention of this plan is to return to the way it used to be years ago.

We are also concerned that someday when we sell our home there will be something nonconforming given all of the rules. A nonconforming property creates an exception in the title policy. The mortgage company will not underwrite a loan for the buyer. What protection or guarantees do we have for availability of mortgages for MRCCA nonconforming properties? Will the Commissioner create a rule for that?

There are many other issues that impact homeowners (i.e. set backs, heights, zones) and their rights to enjoy their properties that don't personally affect our property as far as we can tell. However, the rules should be more inclusive to allow enjoyment of this resource by all with more reasonable standards supported by proven ecologically beneficial results.

The money generated by the Omnibus Legacy Bill provided to the DNR might be better spent improving the quality of this body of water rather than its aesthetics. Zebra mussels have now found their way to our area and other species continue to threaten Minnesota lakes and rivers but the DNR recently rejected the idea of using legacy fund dollars for prevention. We have all contributed sales tax money towards that since 2008, but we don't know best how it should be spent. Really?

Thank you for your consideration of our input. I hope that a mutually beneficial plan incorporating fewer updated standards and less land controls can be created.

Comment 4:

Hi Tim,

My Wife and I have been property owners on the Mississippi River since 1987. We support the protection for all to enjoy this valuable resource, but we find many of these new rules that would impact property owners to have no environmental value. Our property has both natural vegetation, and an area we have landscaped to enhance the property. People floating by in canoe's etc. always comment how nice our

landscaped area looks but never say anything about the natural area. Also the natural area during high water (April-June) is very difficult to keep protected, shoreline erosion is significant. The roots from the trees and vegetation are not enough to keep the soil from eroding. Since we have owned the property we have lost many feet of shoreline from the high water in the natural vegetation area, but none of the area we have landscaped has been affected by high water.

We feel the money generated by the Omnibus Legacy Bill provided to the DNR would be better spent on improving the quality of the water. Many of the small river and tributes that feed into the Mississippi river are running through farm land.

Every year more farm land is getting tilled and it is drained into these tributes. Studies have shown how the herbicides, pesticides, and fertilizers are affecting the water quality. If the water continues to be contaminated no one will be able to enjoy the river.

We encourage the City of Ramsey to oppose limits on homeowners who live on the Mississippi River.